



California Regulatory Notice Register

REGISTER 2003, NO. 23-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JUNE 6, 2003

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION	<i>Page</i>
<i>Conflict of Interest Codes—Notice File No. Z03-0523-02</i>	833
Multi-County: Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)	
State Agency: State Council on Developmental Disabilities	
TITLE 2. FAIR POLITICAL PRACTICES COMMISSION	
<i>Conflict of Interest Code—Notice File No. Z03-0523-01</i>	834
State Agency: Department of Finance	
Department of Forestry and Fire Protection	
TITLE 2. FAIR POLITICAL PRACTICES COMMISSION	
<i>State and Local Recall Elections—Notice File No. Z03-0527-11</i>	834
TITLE 13. AIR RESOURCES BOARD	
<i>Off-Highway Recreational Vehicles—Notice File No. Z03-0527-19</i>	835
TITLE 13. AIR RESOURCES BOARD	
<i>Solid Waste Collection Vehicles—Notice File No. Z03-0527-17</i>	838
TITLE 13. and TITLE 17. AIR RESOURCES BOARD	
<i>California Diesel Fuel Regulations—Notice File No. Z03-0527-20</i>	842
TITLE 13. DEPARTMENT OF MOTOR VEHICLES	
<i>California Ignition Interlock Device Program—Notice File No. Z03-0527-13</i>	848
TITLE 14. DEPARTMENT OF FORESTRY AND FIRE PROTECTION	
<i>Conflict of Interest Code—Notice File No. Z03-0512-05</i>	850
TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS	
<i>License Reapplication—Notice File No. Z03-0527-21</i>	850
TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS	
<i>Preceptor Programs & Unlicensed Individuals—Notice File No. Z03-0527-22</i>	852

(Continued on next page)

***Time-
Dated
Material***

TITLE 16. RESPIRATORY CARE BOARD	
<i>Citation and Fine—Unlicensed Personnel—Notice File No. Z03-0527-07</i>	853
TITLE 17. AIR RESOURCES BOARD	
<i>Fees for Stationary Sources, Consumer Products—Notice File No. Z03-0527-18</i>	855
TITLE 23. STATE WATER RESOURCES CONTROL BOARD	
<i>Conflict of Interest Code—Notice File No. Z03-0527-10</i>	858

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING	
<i>List of Prospective Contractors Ineligible to Enter Into State Contracts</i>	859
DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Notice of Proposed Prospective Purchaser Agreement</i>	859
DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Variance—Delta Diablo Sanitary District</i>	860
DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Variance—Glenn County</i>	860
DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Variance—San Diego Fire-Rescue Department</i>	861
DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Variance—Vanmar Precious Metals</i>	861

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS	
<i>Regarding the Petition of Alvin R. Ross</i>	861

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Chemicals Known to the State to Cause Cancer and Reproductive Toxicity</i>	862
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT.....	870
— <i>Clarification of Chemical Listing of Nickel and Certain Nickel Compounds</i>	
— <i>Request for Comment on Proposed Listing of Nickel Compounds as Known to Cause Cancer</i>	
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Extension of Public Comment Period for Perchlorate</i>	872

(Continued on next page)

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order, call (916) 445-5391. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Room 104, Sacramento, CA 95814-0212.

PRECEDENTIAL DECISION INDEX

DEPARTMENT OF CORPORATIONS	872
----------------------------------	-----

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	873
Sections Filed, January 22, 2003 to May 28, 2003.....	876

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

MULTI-COUNTY:

Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)

AMENDMENT

STATE AGENCY:

State Council on Developmental Disabilities

A written comment period has been established commencing on **June 6, 2003** and closing on **July 21, 2003**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **June 6, 2003**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY:

Department of Finance

Department of Forestry and Fire Protection

A written comment period has been established commencing on June 6, 2003, and closing on July 21, 2003. Written comments should be directed to the Fair Political Practices Commission, Attention Kevin S. Moen, PhD, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than July 21, 2003. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were

mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation concerning recalls at a public hearing on or after July 10, 2003. Written comments must be received at the Commission offices no later than noon on July 9, 2003.

BACKGROUND/OVERVIEW

Proposition 34 added to the Political Reform Act Government Code section 85315 which provides that an elected state officer may establish a committee to oppose qualification of a recall measure and the recall election. Proposition 34 also added to the Act contribution and voluntary expenditure limits for state candidates. Section 85315 further provides that an elected state officer may raise contributions and make expenditures to oppose a recall without regard to the campaign contribution and voluntary expenditure limits of the Act.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. § 18531.5: The Commission will consider proposed regulation 18531.5 to implement Government Code section 85315 and to codify additional Commission advice concerning the reporting of campaign funds raised by candidates and committees involved in state and local recall elections.

The regulation defines several terms related to recall elections, including "target officer" and "replacement candidate." The regulation clarifies the application of the contribution limits and the voluntary expenditure limits of the Act with respect to a recall of an elected state officer. In addition, the regulation provides guidance as to the committee formation requirements and the campaign report filing obligations of candidates and committees involved in recalls.

During its consideration of regulation 18531.5, the Commission may add to the regulation other issues or provisions related to the candidates and committees participating in recalls. The regulation may further address issues including fundraising, use of funds, or campaign reporting in connection with a recall.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 82007, 82043, 84107, 84211, 85200 and 85315.

CONTACT

Any inquiries should be made to Hyla P. Wagner, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at www.fppc.ca.gov.

ADDITIONAL COMMENTS

The Commission may make changes to the proposed regulation before its adoption or repeal. After the hearing, the Commission may adopt or repeal the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA REGULATIONS FOR NEW 1997 AND LATER OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES

The Air Resources Board (the Board or ARB) will conduct a public meeting at the time and place noted below to consider amendments to the California Regulations for New 1997 and Later Off-Highway Recreational Vehicles and Engines.

DATE: July 24, 2003

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Central Valley Auditorium, Second Floor
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., July 24, 2003, and may continue at 8:30 a.m., July 25, 2003. This item may not be considered until July 25, 2003. Please consult the agenda for the meeting, which will be available at least ten days before July 24, 2003, to determine the day on which this item will be considered.

If you have special accommodation or language needs, please contact ARB's Clerk of the Board at (916) 322-4011 or amalik@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

**INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW****SECTIONS AFFECTED**

Amendment of the following section of title 13, California Code of Regulations (CCR): chapter 9, Off-Road Vehicles and Engines Pollution Control Devices; article 3, Off-Highway Recreational Vehicles and Engines; section 2415, title 13, CCR.

BACKGROUND

The California Clean Air Act as codified in the Health and Safety Code sections 43013 and 43018 grants the ARB authority to regulate off-road mobile source categories, including off-road motorcycles and off-highway vehicles. In 1994, the board approved regulations to control emissions from off-highway recreational vehicles (OHRV). These regulations affected off-road motorcycles and all-terrain vehicles manufactured on/after January 1, 1997.

In order to ensure product availability in California, in December 1998, the Board amended the regulations to allow only seasonal use of vehicles that do not meet the applicable exhaust emissions standards (non-emissions-compliant) in California's OHRV riding areas; that is noncompliant vehicles could be operated in OHRV riding areas located in ozone attainment areas year-round but only during the non-peak ozone season in ozone nonattainment areas. The regulations as amended are codified at title 13, CCR, sections 2410–2415. Following the 1998 amendments, non-emissions-compliant OHRVs were to be registered by California's Department of Motor Vehicles (DMV) with a red sticker. OHRVs meeting exhaust emission standards (emissions-compliant) were to be registered with a green sticker. The stickers were to enable California's Department of Parks and Recreation (DPR) to enforce the limited usage of non-emissions-compliant OHRVs in California's off-highway vehicle riding areas.

Since the adoption of the amendments in 1998, ARB staff have worked with the Department of Motor Vehicles (DMV) and the Department of Parks and Recreation (DPR) to implement the seasonal riding program. One step in that effort was ARB's regular enforcement of its certification requirements against manufacturers and dealers who allowed vehicles to reach the California market with incorrect or no California certification. The violating manufacturers have made corrections and paid penalties to the Air Pollution Control Fund. Another step is DMV recent commitment to automate their registration system to better ensure that OHRVs are registered correctly as either emissions-compliant (green sticker), or non-emissions-compliant (red sticker). DPR in turn has committed to enforce the riding season limitations beginning in 2003.

This regulatory amendment is proposed simply to reflect the delay in riding season enforcement. In crafting the proposal, the ARB staff met numerous times with DMV and DPR staff. The goal of the proposal is to facilitate effective and equitable implementation and enforcement of the OHRV regulation as originally intended. This goal can best be met by acknowledging by regulation that as a practical matter riding season use restrictions are enforceable beginning with the 2003 model year.

STAFF PROPOSAL

The proposal would modify the existing off-highway recreational vehicle regulations to indicate that riding season use restrictions set forth in, section 2415, title 13 CCR would apply to all non-emissions-compliant California off-road motorcycles and all-terrain vehicles 2003 and later model year. The proposal does not change exhaust emission standards or certification requirements, but does provide for a workable enforcement program in the California riding areas. As a result, the proposal reflects that we are now achieving the air quality benefits intended by the 1998 riding season amendments to the OHRV regulations.

The proposed amendment reflects the emission reductions originally intended by the riding season amendments will now be achieved because DMV will be correctly registering OHRVs and DPR will begin riding season enforcement beginning with the 2003 riding season. The amendment supports program changes that will reduce registration inconsistencies that resulted in lack of enforcement in the field confirming the regulation to reflect the actual date of enforcement of the riding season limitations will avoid confusion for the riding public. The Board's adoption of these proposed amendments will reflect that these problems have been substantially corrected and that riding area enforcement has begun. If adopted, the proposed amendments to postpone the riding season use restrictions to the 2003 Model Year will support DMV's registration of all 2002 Model Year and older OHRVs with a green sticker and will support DPR's enforcement actions beginning with the 2003 riding season.

COMPARABLE FEDERAL REGULATIONS

The U.S. Environmental Protection Agency does not currently have emission control regulations for the 1997 and later model year vehicles and engines that are subject to the proposed amended regulations. Pursuant to Clean Air Act section 209(e), the ARB may need to seek a determination from the federal Environmental Protection Agency that the proposed amendments are within the scope of the previously authorized OHRV regulations.

BENEFITS OF THE PROPOSAL

To date, non-emissions-compliant OHRVs 2002 model year and older have not been restricted to the riding times as intended by the regulation due to lack of enforceability. Consequently the delay in enforcement means ARB cannot accurately determine the level of emissions reductions achieved from the riding season restrictions to date. This is because there has been no enforcement in the California riding areas and therefore the non-emissions-compliant OHRVs have had the ability to ride year-round. The lack of use restriction likely has not provided for the anticipated hydrocarbon reductions. Therefore this amendment will not result in any additional emissions; at most it acknowledges reductions that may not have been achieved. The proposed amendments will reflect that we will now begin to realize the full benefits anticipated from the riding season provisions of the 1998 regulatory amendments.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action that includes a summary of the environmental and economic impacts of the proposal.

Copies of the ISOR and the full text of the proposed regulatory language may be obtained from the ARB's Public Information Office, Visitors and Environmental Services Center, 1001 I Street, First Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing (July 24, 2003).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the website listed below.

Inquiries concerning the substance of the proposed regulation should be directed to the agency contact person for this rulemaking: Michelle Shultz-Wood, Enforcement Division, at (626) 459-4338 or e-mail, mshultz@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the agency contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board's ADA Coordinator

at (916) 323-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

This notice, the ISOR, and subsequent regulatory documents, including the FSOR once it has been prepared pursuant to Government Code section 11346.9(a), will also be available on the ARB Internet site for this rulemaking at: <http://www.arb.ca.gov/regact/ohrv03/ohrv03.htm> or at www.arb.ca.gov/enf/enf.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determination of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6) that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary savings to local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on private persons and businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

In accordance with Government Code sections 11346.3 and 11346.5(a)(10), the Executive Officer has determined that the proposed amendments should have minimal or no impacts on the creation or elimination of jobs within the State of California, minimal or no impacts on the creation of new businesses and the elimination of existing businesses within the State of California, and minimal or no impacts on the expansion of businesses currently doing business within the State of California.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because the action does not create any new requirements, detriments, or benefits. Any such effects were analyzed, as required in previous rulemakings.

Finally, pursuant to Government Code sections 11346.3(a)(2) and 11346.5(a)(8), the Executive Officer has made an initial determination that adoption of the proposed regulatory action will not have a significant,

statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Assessment of the economic impacts of the proposed regulatory action can be found in the staff report.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has been otherwise identified and brought to the Board's attention would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMISSION OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting, and in writing or by e-mail before the meeting. To be considered by the Board, written comments submissions not physically submitted at the meeting must be received **no later than 12:00 noon, July 23, 2003**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent ohrv03@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon, July 23, 2003**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, July 23, 2003**.

The Board requests, but does not require 30 copies of any written submission. Also, the ARB requests that written and e-mail statements be filed at least ten days prior to the meeting so that ARB staff and Board members have time to fully consider each comment.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in Health and Safety Code sections 39600, 39601, 43013, 43018, and 43107, and Vehicle Code sections 38020 and 38390. This action is proposed to implement, interpret, and make specific Health and Safety Code sections 43013, 43018, and, 43107, and Governor's Executive Order W144-97.

HEARING PROCEDURES AND AVAILABILITY OF MODIFIED TEXT

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, Air Resources Board, 1001 I Street, 1st Floor, Visitors and Environmental Services Center, Sacramento, CA 95814, (916) 322-2990.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF A CONTROL MEASURE FOR DIESEL PARTICULATE MATTER FROM ON-ROAD HEAVY-DUTY RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION VEHICLES

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of a control measure for diesel particulate matter from on-road heavy-duty residential and commercial solid waste collection vehicles. The control measure mandates the reduction of diesel particulate matter emissions through the application of best available control measures to in-use solid waste collection vehicles. Both owners of these vehicles and municipalities that contract for solid waste removal services have responsibilities under the proposal. This notice summarizes the proposed control measure. The staff report presents the control measure in greater detail.

DATE: July 24, 2003

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Central Valley Auditorium, Second Floor
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., July 24, 2003, and may continue at 8:30 a.m., July 25, 2003. This item may not be considered until July 25, 2003. Please consult the agenda for the meeting, which

will be available at least ten days before July 24, 2003, to determine the day on which this item will be considered.

If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-4011, or amalik@arb.ca.gov as soon as possible. TTY/TTD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of new sections 2020, 2021, 2021.1 and 2021.2, of article 4 within chapter 3, division 3, title 13, California Code of Regulations (CCR).

Background: In 1998 the Board identified diesel particulate matter emissions from diesel-fueled engines as a toxic air contaminant. Two years later, the Board adopted the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (Plan) in September 2000, which established a goal of reducing emissions and the resultant health risk from virtually all diesel-fueled engines and vehicles within the State of California by the year 2020. This Plan envisions that particulate matter emissions from diesel-fueled engines and vehicles should be reduced by 75 percent in 2010 and 85 percent in 2020. The Plan identified various methods for achieving the goals including new, more stringent standards for all new diesel-fueled engines and vehicles, the use of diesel emission control strategies on in-use engines, and the use of low-sulfur diesel fuel.

The major sources of diesel particulate matter (diesel PM) are the approximately 1,250,000 diesel-fueled engines in vehicles and equipment used in California. The health impacts of diesel PM include increased incidence of lung cancer, chronic respiratory problems (such as asthma and bronchitis), cardiovascular disease, and increased hospital admissions and mortality. In California, diesel PM emissions are estimated to comprise 70 percent of the total potential cancer risk from all identified toxic air contaminants.

On May 16, 2002, the Board approved the Diesel Emission Control Strategy Verification Procedure, Warranty and in-use Compliance Requirements for On-Road, Off-Road, and Stationary Diesel-Fueled Vehicles and Equipment. This rule establishes procedures for the verification of emission control strategies by ARB that can be applied on various diesel-fueled engines and vehicles to significantly reduce diesel PM emissions.

Proposed Actions: Diesel-fueled solid waste collection vehicles are of utmost concern because they operate in residential communities on a regular basis, in turn increasing the communities' risk of exposure to

these toxic emissions. ARB proposes to mandate solid waste collection vehicles owners and municipalities that authorize owners through a contract, franchise agreement, permit, license or similar approval for residential and commercial solid waste collection service to reduce diesel PM emissions from these vehicles. The solid waste collection vehicle control measure is the second in a series of rules that target almost all diesel-fueled heavy-duty vehicles in California for diesel PM reduction. The fleet rule for transit agencies, which requires transit agencies to reduce diesel PM emissions from urban buses, was adopted by the Board in February 2000 and amended in October 2002.

Section 2020 of this proposal identifies the purpose and defines terminology used in this and other diesel particulate control measures. Sections 2021, 2021.1, and 2021.2 comprise the control measure for solid waste collection vehicles.

1. Scope and Applicability

The proposed regulation applies to solid waste collection vehicle owners, whether private or government entities, and to municipalities that authorize owners through a contract, franchise agreement, permit, license or similar approval for residential and commercial solid waste collection service. The proposed regulation also mandates the reduction of diesel PM emissions from 1960 to 2006 engine model year on-road diesel-fueled heavy-duty residential and commercial solid waste collection vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds.

2. Compliance Requirement for Municipalities

As of December 31, 2004, a municipality that contracts for solid waste collection service must ensure that each contractor, for which it regulates the rates that may be charged to those who receive solid waste collection services, is in compliance with title 13, CCR, section 2021.2.

Municipalities that contract for service are required, under this proposal, to submit reports to the ARB's Executive Officer annually, beginning in 2004 through 2013, which identify all contractors and certify compliance by those contractors with this rule. In addition, the municipality is required to notify the ARB's Executive Officer if it becomes aware of non-compliance by its contractors within 30 days of the determination.

3. Compliance for Owners of Solid Waste Collection Vehicles and Municipalities

Compliance with the proposed rule requires use of best available control technology, as defined, implementation according to the specified schedule, and

record keeping. In addition, there are provisions for compliance extensions and special circumstances.

Best Available Control Technology

Three different options are offered to meet the requirement to use best available control technology. The first option is to use a diesel engine or power system alone or in combination with a verified diesel emission control strategy (DECS) that is certified to the 0.01 g/bhp-hr particulate emission standard. The second option is to use an alternative fuel engine, or a heavy-duty pilot ignition engine. The third option is to apply the highest level diesel emission control strategy or system verified by ARB for a specific engine, and which the manufacturer or authorized dealer agrees can be successful on the specific engine and vehicle combination.

Implementation Schedule

The implementation schedule phases-in compliance by the model year of the engine. There are three different groups for the specified percentage of vehicles by each applicable compliance deadline: Group 1 includes 1988-2002 model year engines, and the phase-in period is from December 31, 2004 through December 31, 2007. Group 2 includes 1960 through 1987 model year engines, and the phase-in period is from December 31, 2007, through December 31, 2010. Group 3 encompasses 2003 through 2006 model year engines, and the phase-in period begins December 31, 2009, and is complete by December 31, 2010. The proposed regulation describes the required equations needed to calculate the active fleet size.

Compliance Extensions

Staff believes owners may experience conditions that would justify a compliance extension. Three main categories of compliance extensions proposed in the rule are: an extension granted for early implementation of a specified portion of an owner's fleet, an extension granted because there is no verified diesel emission control strategy, and an extension for 100 percent compliance for small business owners with fewer than four vehicles.

Special Circumstances

Owners would be required to maintain best available control technology on each vehicle once that vehicle is in compliance, and would not be required to upgrade to a higher level of best available control technology. Certain specified special circumstances, however, are described. First, failure or damage of the diesel emission control strategy within or outside of the warranty period of the device. Second, discontinuance of a fuel verified as a diesel emission control strategy. Third, the use of a diesel emission control

strategy verified to Level 1 (25 to 49 percent particulate matter reduction) is limited in time and use. Fourth, engine retirement within one year of the required compliance deadline. Fifth, the use of an experimental diesel emission control strategy.

Record Keeping Requirement for Owners

Staff proposes that specific records pertaining to compliance be kept at the terminal and in the vehicle. Each owner must keep these records for the life of the vehicle while it operates in California. If a vehicle is sold, the records should be transferred with that vehicle.

Non-Compliance

Staff proposes a specific reference to civil penalties for violations of the compliance provisions.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report, which includes the initial statement of reasons for the proposed action and a summary of the economical and environmental impacts of the proposal. The staff has also prepared a technical support document that summarizes technology available and feasible per rule compliance.

Copies of the Staff Report, Technical Support Document, and the full text of the proposed regulatory language may be accessed on the Board's web site listed below, or may be obtained from the Board's Public Information Office, Air Resources Board, Visitors and Environmental Services Center, 1001 I Street, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing.

Upon its completion, the Final Statement of Reasons (FSOR) will also be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to Ms. Crystal Reul Chen, Air Resources Engineer, by email at creul@arb.ca.gov or by phone at (626) 350-6543, or to Dr. Nancy L.C. Steele, Manager, by email at nsteele@arb.ca.gov or by phone at (626) 350-6598.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board Americans with Disability Act Coordinator at (916) 232-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager,

Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board staff has compiled a record that includes all information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR when completed, will be available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/dieselswcv/dieselswcv.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will create costs or savings, as defined in Government Code section 1146.5(a)(5) and 11346.5(a)(6), to a state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other non discretionary savings to local agencies, except as discussed below.

Fiscal Effect On State Government

No increased cost is expected in the current fiscal year, July 2003 to June 2004. Up to three additional staff will be required to implement and enforce the regulation beginning in 2004.

Fiscal Effect on Local Government

The majority of local governments have contracts with private solid waste collection companies to provide refuse collection services. Approximately 1,200 vehicles, however, are directly owned and operated by local governments. These vehicles are owned by cities such as Los Angeles and Fresno that have fleets of solid waste collection vehicles and bill residents for the service. There is no cost associated with implementation during the current fiscal year 2003-2004. The average costs to local government for fiscal years 2004-2005 and 2005-2006 are about \$59,000 and \$228,000, respectively.

For local governments that contract with private solid waste collection companies, an increase in the contract cost may occur within the terms of the contract or at the renewal of the contract. This is an indirect cost that is passed on to customers and, therefore, is not included in the cost to local government agencies.

These local government agencies are required to submit an initial report and annual reports to the Air Resources Board. The time to complete the reports will vary depending on the number of contracts let, but would not be considered an additional cost as the additional paperwork is within the scope of normal paperwork for contracting.

Any costs to local government are fully reimbursable from collection fees charged to customers for residential and commercial solid waste collection as authorized by Resources Code sections 40059 and 47109.

Fiscal Impact of Businesses

The Executive Officer has made an initial determination that adoption of the proposed regulatory action may have a significant, statewide adverse economic impact directly affecting business, specifically on some solid waste collection businesses, if those businesses are unable to increase their rate for collection solid waste. Other solid waste collection vehicle businesses may experience no adverse economic impacts because they have the ability to recover costs through rate increases. Adoption of the proposed rule will not affect the ability of California businesses to compete with businesses in other states.

Businesses that provide technology or services mandated under this proposal, such as engines, diesel emission control systems, or installation services, may experience significant economic benefit from this rule. Some, but not all, of those businesses are located in California.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action may affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.5(a)(9) on representative private persons or businesses in reasonable compliance with the proposed action.

Finally, the Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulation may affect small businesses.

Costs to the Public

Costs are expected to be passed along to customers who receive solid waste collection services. The cost

per household would be about \$5.90 in total, or \$0.85 annually from 2004 through 2010.

Consideration of Alternatives

The Executive Officer has considered proposed alternatives that would lessen any adverse economic impact on businesses and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FINDING OF NECESSITY FOR REPORTS

Pursuant to Government Code section 11346.3(c), the Board finds that it is necessary for the health, safety, and welfare of the people of this state that this regulation which requires a report apply to businesses.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions must be received by **no later than 12:00 noon, July 23, 2003** and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: dieselswcv@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon, July 23, 2003**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, July 23, 2003**.

The Board requests, but does not require, that 30 copies of any written statement be submitted at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each

comment. The ARB encourages members of the public to bring to the attention of the staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in sections 39600, 39601, and 39658 of the Health and Safety Code. This action is proposed to implement, interpret and make specific sections 39002, 39003, 39658, 43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantive or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

TITLE 13. and 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA DIESEL FUEL REGULATIONS

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider amendments to the regulations pertaining to the composition of commercial motor vehicle diesel fuel, and the composition of diesel fuel used to certify light-, medium-, and heavy-duty vehicles and engines, and to consider adoption of an airborne toxic control measure (ATCM) for non-vehicular diesel fuel standards. Proposed amendments would reduce the maximum permissible sulfur content in vehicular diesel fuel from 500 parts per million weight (ppmw) to 15 ppmw, revise the requirements

for certification of alternative diesel fuel formulations, adopt new equivalent limits for diesel fuel properties, establish standards for diesel fuel lubricity, and make other changes, including improvements to the sulfur test method and a revision of the definition of “diesel fuel.” Proposed amendments to the requirements for diesel engine certification fuel would revise the sulfur specification to make it consistent with the proposed sulfur standard for commercial motor vehicle diesel fuel. The proposed ATCM would adopt requirements for non-vehicular diesel fuel identical to the regulations for vehicular diesel fuel.

DATE: July 24, 2003

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
1001 I Street
Auditorium, Second Floor
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m. on July 24, 2003, and may continue at 8:30 a.m. on July 25, 2003. This item may not be considered until July 25, 2003. Please consult the agenda for the meeting, which will be available at least 10 days before July 24, 2003, to determine the day on which this item will be considered.

If you have special accommodation or language needs, please contact ARB’s Clerk of the Board at (916) 322-4011 or amalik@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

SECTIONS AFFECTED

Proposed amendments to sections 2281, 2282 and 2701(a), and adoption of sections 2284 and 2285, title 13, California Code of Regulations (CCR); amendments to section 1956.8(b) and the incorporated “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines” as last amended December 12, 2002, and sections 1961(d) and 1962 and the incorporated “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles” as last amended July 30, 2002, title 13, CCR. Adoption of the ATCM for nonvehicular diesel fuel, section 93114, title 17, CCR.

BACKGROUND

The ARB administers regulations that since 1993 have limited statewide the allowable sulfur content of motor vehicle diesel fuel to 500 ppm and the aromatic

hydrocarbon content to 10 percent with a 20 percent limit for small refiners. The regulation limiting aromatic hydrocarbon content allows refiners to comply by selling a certified alternative formulation that has an aromatic hydrocarbon content greater than the basic limits. Most refiners have taken advantage of the regulation’s flexibility to produce alternative diesel formulations that provide the required air quality benefits at a lower cost.

In order to be certified, an alternative formulation must be shown to result in the same emission benefits as the 10 percent aromatic standard (or in the case of small refiners, the 20 percent standard). The regulation requires the determination of the values of five properties—sulfur, aromatic hydrocarbon, polycyclic aromatic hydrocarbon, and nitrogen contents, and cetane number—of the candidate fuel submitted by a refiner for certification. The values for the candidate then become the required specifications for the alternative formulation. Candidate fuel formulations are tested in a laboratory engine for emission equivalency against a defined reference fuel. They must be shown to be equivalent or better than the reference fuel. In comparing emissions, a statistical margin of safety is required but an allowable tolerance is provided so that a truly emission-equivalent candidate fuel will always qualify.

ARB regulations also establish test procedures for evaluating whether new motor vehicles and engines may be certified as meeting the California motor vehicle emission standards. These test procedures identify the specifications of the “certification fuel” to be used in exhaust emission testing. The ARB’s current specifications for diesel certification fuel specify an allowable range of sulfur content from 100 ppmw to 500 ppmw and specifies limits or allowable ranges for other fuel properties, including an aromatic hydrocarbon content of 8–12 volume percent (vol.%). Manufacturers may also certify California diesel engines using certification fuel meeting the federal certification fuel specifications established by the U.S. Environmental Protection Agency (U.S. EPA) and incorporated into the ARB’s test procedures.

There is currently no government or industry standard controlling diesel fuel lubricity in the United States. Refiners in California have maintained a voluntary minimum lubricity level consistent with the recommendation of a 1994 Governor’s Task Force that was created during the statewide introduction of 500-ppm sulfur California reformulated diesel. This voluntary level is a Ball-on-Cylinder Lubricity Evaluator (BOCLE) scuffing load (SL) of 3,000 grams or higher. The American Society for Testing and Materials (ASTM) has been working since 1993 to develop a lubricity specification for its D-975 specifications for diesel fuel but to date has not been successful.

The California diesel fuel regulations are a necessary part of the state's strategy to reduce air pollution through the use of clean fuels and lower emitting motor vehicles and off-road equipment. The most recent proposed and adopted regulations to reduce diesel exhaust emissions, exposure, and risk will require the use of low sulfur diesel fuel to be effective.

In October 2001, the ARB adopted the new stringent exhaust emissions standards that were adopted in January 2001 by the U.S. EPA for 2007 and subsequent model year heavy-duty highway diesel engines and vehicles. The new emission standards represent a 90% reduction of emissions of oxides of nitrogen (NOx), a 72% reduction of emissions of non-methane hydrocarbon (NMHC), and a 90% reduction of emissions of particulate matter (PM) compared to the emission standards that apply starting in the 2004 model year. The new emissions standards will require the use of catalyzed diesel particulate filters, NOx after-treatment and other advanced after-treatment based technologies that could not achieve the required efficiency with diesel fuel sulfur levels higher than 15 ppm.

In August 1998, the ARB identified particulate matter emitted from diesel engines (diesel PM) as a Toxic Air Contaminant (TAC) and in September 2001, approved the Diesel Risk Reduction Plan to reduce public exposure to diesel PM. The plan identified air toxic control measures and regulations that will set more stringent emissions standards for new diesel-fueled engines and vehicles, establish retrofit requirements for existing engines and vehicles where determined to be technically feasible and cost-effective. The sulfur content of diesel fuel must not exceed 15 ppm because at higher concentrations, the effectiveness of the emissions control systems is so reduced that the desired emissions reductions for NOx and PM cannot be achieved.

Although the ARB's vehicular diesel fuel regulations do not apply to diesel fuel used in stationary engines, complying "CARB diesel" is used in the great majority of stationary engines because of California's single fuel distribution network. Also, several districts have established best available control technology requirements for diesel-fueled stationary engines that specify the use of CARB diesel. Portable engines registered under ARB's Statewide Portable Equipment Registration program are required to use CARB diesel. In practice, transportation refrigeration unit (TRU) diesel engines, fueled in California, are normally fueled with California vehicular diesel fuel, but this is not required by existing law. Locomotive and most marine diesel engines are examples of other applications that are not required to use California vehicular diesel fuel. Locomotive diesel engines fueled in California primarily burn diesel fuel comply-

ing with the U.S. EPA sulfur content regulation (≤ 500 ppmw) for diesel fuel used in on-road engines. Passenger-fleet, marine diesel engines are required by statute to use California vehicular diesel fuel. It is believed that high-sulfur (≤ 5000 ppmw) diesel fuel is burned in most of the rest of the marine diesel engines fueled in California.

COMPARABLE FEDERAL REGULATIONS

Since 1993, a U.S. EPA regulation—40 CFR § 80.29—has imposed a maximum sulfur content limit of 500 ppmw on diesel fuel sold or supplied for use in on-road motor vehicles. In addition, the regulation requires on-road motor-vehicle diesel fuel to have a cetane index of at least 40 or have an aromatic hydrocarbon content of no greater than 35 percent by volume (vol. %). Diesel fuel not intended for on-road motor-vehicle use must contain dye solvent red 164.

On January 18, 2001, the U.S. EPA published a final rule requiring refiners, beginning June 1, 2006, to produce highway diesel fuel that meets a maximum sulfur standard of 15 ppmw. (66 F.R. 5002; 40 C.F.R. §§ 80.500 et seq.). All 2007 and later model year diesel-fueled vehicles must be fueled with this new low sulfur diesel. The federal regulations contain temporary compliance options and flexibility provisions not offered in the ARB's proposed amendments. The temporary federal compliance option, which includes an averaging, banking and trading component, begins in June 2006 and lasts through 2009, with credit given for early compliance before June 2006. Under this temporary compliance option, up to 20 percent of highway diesel fuel may continue to be produced at the existing 500 ppmw sulfur maximum standard. Highway diesel fuel marketed as complying with the 500 ppmw sulfur standard must be segregated from 15 ppmw fuel in the distribution system, and may only be used in pre-2007 model year heavy-duty vehicles. The federal regulation also provides additional hardship provisions that the U.S. EPA believes will minimize the economic burden of the small refiners in complying with the 15-ppm sulfur standard.

THE PROPOSED ARB AMENDMENTS

15-ppmw sulfur limit for vehicular diesel fuel starting in 2006. Staff proposes an amendment that would reduce the maximum allowable sulfur content of vehicular diesel fuel from 500 ppmw to 15 ppmw. This fuel sulfur requirement would apply to diesel fuel sold for use in both on-road and off-road motor vehicles. The 15-ppmw sulfur limit would apply to all diesel supplied from production and import facilities starting no later than June 1, 2006. The limit would apply 45 days later—starting July 15, 2006—to all downstream facilities except bulk plants, retail outlets, and bulk purchaser-consumer facilities. After another 45 days—starting September 1, 2006—the 15-ppm

sulfur limit would apply throughout the distribution system. These phase-in dates are substantially identical to those in the U.S. EPA regulation.

The 15-ppm sulfur content limit is proposed for two primary reasons: to enable the effective use of the emissions control technology that will be required by heavy-duty diesel vehicles and engines that must meet the new PM and NOx emission standards adopted by the U.S. EPA and ARB; and to enable the use of the exhaust gas treatment technologies that will be required by new and retrofitted diesel engines to meet the diesel PM reduction targets proposed in the diesel risk reduction plan. Current sulfur levels in diesel fuel will prevent effective operation of both the NOx and PM emissions control technologies.

Revising the procedures for certifying alternative diesel formulations. Staff is proposing the following amendments to the procedures for new certifications of alternative formulations to the 10-percent aromatic hydrocarbon standard: (1) requiring that the reference and candidate fuels meet the proposed 15-ppm sulfur standard, starting August 2004; (2) requiring that the candidate fuel properties meet the same property ranges and limitations as those required for the reference fuels and be within half the range of each reference fuel property; (3) reducing the allowable tolerance values for each pollutant by half its current value; and (4) eliminating a provision which reduces candidate fuel particulate matter emissions by the lesser of a calculated indirect sulfate difference or the actual measured sulfate content of the emissions.

Various studies have shown that the emissions characteristics of diesel fuel blends may be affected by diesel fuel properties, such as density, that are not among the five specified for alternative fuel formulations. This means that an applicant has been permitted to blend a candidate fuel that has a property such as density that is significantly different from that of the reference fuel. The difference between the two fuels could contribute to an improved emissions performance by the candidate fuel even though there is no assurance that the value of that property in diesel fuels produced commercially under the alternative formulation would be comparable to that of the candidate fuel. The proposed revisions of the alternative diesel formulation provisions are needed to ensure that certified alternative formulations results in equivalent emissions to the candidate fuel formulations tested in the laboratory.

Add a new "equivalent limits" compliance mechanism in the regulation limiting the aromatic hydrocarbon content of vehicular diesel fuel. Staff is proposing an amendment that would add a new alternative compliance mechanism as an option to

meeting the 10 vol.% aromatic hydrocarbon limit. A refiner using this mechanism for a batch of diesel fuel would have to meet the following specifications:

Property	Equivalent Limit
Aromatic Content (% by wt.)	≤ 21.0
PAH Content (% by wt.)	≤ 3.5
API Gravity	≥ 36.9
Cetane Number	≥ 53
Nitrogen Content (ppmw)	≤ 500
Sulfur (ppmw)	≤ 160 before 6/1/06 ≤ 15 starting 6/1/06

This new compliance mechanism would provide additional flexibility for refiners or importers and potentially allow more diesel fuel to be imported into the California market. The proposed new equivalent limits are based on the average properties of certified formulations and should therefore preserve the actual emission benefits of California diesel fuel.

Revising the sulfur specification for diesel engine certification fuel. Staff is proposing a sulfur content range of 7 to 15 ppmw by weight for California diesel certification fuel for all classes of on-road diesel motor vehicles, starting in the 2007 model year. This would be identical to the sulfur content of federal certification fuel. The specifications for the other fuel properties would not change. Manufacturers would retain the options to certify diesel engines using certification fuel meeting the federally established certification fuel specifications or an alternative certification test fuel provided they can demonstrate that this test fuel will be the predominant in-use fuel. The new sulfur content range will be representative of the in-use commercial fuel, and as noted above the stringent new standards for 2007 and subsequent model vehicles are predicated on the ability to operate on fuel with the reduced sulfur content.

Adoption of a diesel fuel lubricity standard. Staff is proposing that the Board adopt a fuel lubricity standard that would be phased in for all California motor vehicle diesel fuel starting August 1, 2004. The proposed standard is a High Frequency Reciprocating Rig (HFRR) maximum wear scar diameter (WSD) of 520 microns which will become effective August 1, 2004. Staff recommends that the Board direct that a technology review be conducted by staff to determine whether a more stringent standard—HFRR maximum WSD of 460 microns—should be implemented on the same schedule as the proposed 15-ppm sulfur limit for diesel fuel.

Staff believes that a diesel fuel lubricity standard is necessary to ensure that California diesel fuel provides adequate lubrication for fuel systems of existing and future diesel engines. Fuel lubricity levels are expected to be reduced by the more severe hydrotreating that will be needed to lower the sulfur content of diesel

fuel to meet the proposed 15-ppm sulfur limit. Fuels of low lubricity do not provide adequate lubrication and will contribute to excessive wear resulting in reduced equipment life and performance. A more stringent second-phase standard may be needed to protect the advanced high-pressure fuel injections systems that will become more prevalent within the next few years.

ATCM for nonvehicular diesel fuel. Staff is proposing adoption of a new ATCM which would ultimately require that California nonvehicular diesel fuel meet the same ARB standards as California vehicular fuel, once air districts have had the opportunity to adopt their own ATCM on the subject. There would be an exception for diesel fuel used in locomotives and marine vessels. The ARB's new ATCM would complement and enable the use of high-efficiency, PM emission-control devices for non-vehicular diesel engines.

Other Amendments: The staff is proposing additional amendments to clarify the requirements of the diesel fuel regulations and to ensure that the regulations work effectively. One amendment would replace the current x-ray fluorescence test method for determining sulfur (ASTM D2622-94) with an ultraviolet fluorescence method (ASTM D5453-93) that will provide a more suitable detection limit and better precision. An exemption from the diesel fuel requirements would be established for diesel fuel used in qualifying military vehicles, closely paralleling provisions in the U.S. EPA regulations. Another amendment would revise the definition of "diesel fuel" to include any mixture of predominately liquid hydrocarbons that is sold or represented as suitable for use in internal combustion, compression ignition (diesel cycle) engines. This will clarify the applicability of the diesel fuel regulations and make the definition functionally consistent with the definition for fuel for internal combustion, spark ignition (gasoline) engines. A conforming amendment would also be made to the definition of diesel fuel in the verification procedure and in-use compliance requirements for in-use strategies to control emissions from diesel engines. This amendment would assure that the current effect of the requirements for the verification procedure regulation will not be changed by the expansion of the definition of diesel fuel.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the environmental and economic impacts of the proposal and supporting technical documentation. The report is entitled "Proposed Amendments to the California Diesel Fuel Regulations."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors Environmental Services Center, First Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing (July 24, 2003).

Upon its completion, the Final Statement of Reasons (FSOR) will also be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons: Mr. Steven Brisby, Manager, Fuels Section, (916) 322-6019, or Mr. Dean C. Simeroth, Chief, Criteria Pollutants Branch, Stationary Source Division, at (916) 322-6020.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 323-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls outside the Sacramento area.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/ulsd2003/ulsd2003.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether

or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

With the exception of the proposed amendments that establish a 15-ppmw diesel fuel sulfur limit, establish a diesel fuel lubricity standard, and set "equivalent limits" in the regulation limiting the aromatic hydrocarbon content of vehicular diesel fuel, the proposed amendments are not expected to have any economic impact.

It is not expected that the proposed amendments will modify existing diesel production and consumption patterns in California. Implementation of the proposed amendments and the federal and SCAQMD regulations for diesel fuel are estimated to increase the costs of producing diesel fuel in California by about 3 cents per gallon. It is estimated that the proposed lubricity standard represents about 0.6 cents per gallon of this cost. However, these costs may be reduced by some unquantifiable amount by the additional flexibility provided to refiners and importers using the "equivalent limits" provision in the aromatic hydrocarbon content regulation. Nationally, the federal low sulfur requirement is expected to increase the cost of diesel fuel by about 4 to 5 cents per gallon. The difference between the California costs and the federal costs is due to California refineries being more complex than national refineries, and therefore in less need of modifications to produce low sulfur diesel fuel. While the California diesel fuel standards will also apply to off-road and some stationary engine applications, fuel costs for these users have historically been comparable to surrounding states even though diesel fuel in those states has not had to meet the same standards as California diesel fuel.

The economy-wide impacts of the production of low sulfur diesel fuel were estimated using a computable general equilibrium (CGE) model of the California economy. Based on staff's analysis, the cumulative impact of these regulations could be expected to increase fuel costs to diesel end users in California by up to about \$110 million per year

in 2007. This is not expected to have a significant impact on the overall California economy.

The specific economic impacts to the petroleum, transportation, and agricultural sectors of the California economy were also evaluated. For the refinery sector, the production of low sulfur diesel fuel will likely require capital investments of from \$170 to \$250 million dollars for equipment. For the agricultural sector, the use of low sulfur diesel fuel could increase operating costs by 0.05 percent. For the transportation sector, the use of low sulfur diesel fuel could increase typical truck operating costs by 0.6 percent. These are not expected to be significant adverse economic impacts.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report (ISOR).

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses. The proposed amendments lowering the sulfur limit of commercial diesel fuel are expected to result in an increase in the cost of producing diesel fuel. However, most of this cost would have been incurred even without action by the ARB because of the federal requirements for on-road diesel fuel. No negative economic impacts on small businesses are expected.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the ARB's Executive Officer has found that the reporting requirements of the proposed regulatory actions which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received

no later than 12:00 noon, July 23, 2003, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board

Air Resources Board

1001 I Street, 23rd Floor

Sacramento, California 95814

Electronic mail is to be sent to: ulsd2003@listserv.arb.ca.gov and received at the ARB no later than 12:00 noon, July 23, 2003.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than 12:00 noon, July 23, 2003.

The Board requests, but does not require, that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 39658, 39659, 39666, 40000, 43000, 43000.5, 43011, 43013, 43013.1, 43018, 43101, 43104, 43105, 43600 and 43700, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). This regulatory action is proposed to implement, interpret, and make specific sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 39650-39675, 39650, 39658, 39659, 39666, 41511, 43000, 43009.5, 43013, 43013.1, 43016, 43018, 43101, 43104, 43105, 43106, 43107, 43204-43205.5, Health and Safety Code; title 17, CCR section 93000; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications, if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could

result from the proposed regulatory action. Potential modifications include, but are not limited to, the identification of instances in which a certified alternative formulation not meeting the new engine test requirements will at a future date be deemed no longer certified. In the event that such modifications are made, the full regulatory text with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Sections 125.00, 125.02, 125.06, 125.10, 125.12, 125.14, 125.16, 125.18, 125.20, and 125.22, Ignition Interlock Devices in Chapter 1, Division 1, Article 2.55 of Title 13, California Code of Regulations.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on July 21, 2003, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Vehicle Code section 23575.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code Section 23575 permits courts to require persons convicted of specific first-time driving

under the influence offenses to install a certified ignition interlock device on any vehicle that the person owns or operates, along with other specified restrictions. In 2001, Sections 125.00 through 125.22 were adopted to make specific this Vehicle Code section. Since that time, the department has received input from various vendors of ignition interlock devices. The proposed amendment would reorganize information under different headings and clarify other areas of the regulation.

Additionally, Section 125.06 is adding the requirement that manufacturers of ignition interlock devices certified by the department comply with any regulatory changes within 60 days from adoption of the regulation. This would eliminate the confusion that is generally inherent in grandfathering.

FISCAL IMPACT STATEMENT

Cost Or Savings To Any State Agency: None.

Other Non-Discretionary Cost or Savings to Local Agencies: None.

Costs or Savings in Federal Funding to the State: None.

Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department adds definition to phrases that are currently in the Vehicle Code. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will affect small businesses, since the companies that manufacture ignition interlock devices are small businesses. The

authorized installers of ignition interlock devices are small businesses as well. However the department anticipates no fiscal impact on these businesses as a result of these proposed regulations.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, was held on May 8, 2002. Members of the ignition interlock industry attended this meeting. The proposed amendments were presented and discussed. The amendments that are proposed with this notice reflect comments and recommendations presented at that meeting.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Ann Myrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8857, or amyrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or e-mail dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at

www.dmv.ca.gov, Other Services, Legal Affairs Division, Public Comments web page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. DEPARTMENT OF FORESTRY AND FIRE PROTECTION

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the California Department of Forestry and Fire Protection, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Section 87306 of the Government Code.

The California Department of Forestry and Fire Protection proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

This amendment adds new positions, deletes abolished positions, amends disclosure categories for specific positions, and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the designated person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 21, 2003, or at the conclusion of the public hearing, if requested, whichever comes later, to the designated person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a

public hearing, he or she must do so no later than July 6, 2003, by contacting the designated person set forth below.

The California Department of Forestry and Fire Protection has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the designated person set forth below.

The California Department of Forestry and Fire Protection has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 7 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the California Department of Forestry and Fire Protection must determine that no alternative considered would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective as and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

California Department of Forestry
and Fire Protection
Attention: Yolanda Rodriguez, Human Resources
P.O. Box 944246
Sacramento, California 94244-2460
FAX: (916) 445-7806
Email: yolanda.rodriguez@fire.ca.gov

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the State Capitol, Room #112, Sacramento, CA 95814 on July 24, 2003. Written comments must be received by the Board of Chiro-

practic Examiners at 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833-2931, or by fax at 916/263-5369, or by e-mail addressed to lmattthew@chiro.ca.gov no later than 5:00 p.m. on July 24, 2003, or must be received by the Board at the hearing. The Board of Chiropractic Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] and to implement, interpret or make specific Section 5 of the Chiropractic Initiative Act [Section 1000-5 of the Business and Professions Code], the Board of Chiropractic Examiners is considering changes to Division 4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Section 325.1—License Reapplication. Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] gives the Board the responsibility for implementing regulations they deem necessary for the performance of its work in order to maintain a high standard of professional services and the protection of the public.

This proposed regulation is specific to application denials where applicants have participated in administrative hearings, Administrative Law Judges have denied licensure, and the Board has adopted the decision. Presently, the Board does not have a regulation that establishes a timeframe for reapplication to the Board for licensure. This proposed regulation would require applicants to wait two years from the effective date of the decision before making reapplication to the Board for a Chiropractic license.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing business within the State of California, or the expansion of businesses currently doing business within the State of California.

Impact on Jobs/New Businesses: The Board of Chiropractic Examiners has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in complying with the proposed amendment.

Housing Costs: The Board has made an initial determination that the proposed regulatory action will not affect housing costs.

Small Business Impact: The proposed amendment may affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Chiropractic Examiners must determine that no alternative which it considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Chiropractic Examiners has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

FEDERAL LAW

The proposed amendment does not duplicate or conflict with any federal law.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from:

Lavella Matthews, Regulations Coordinator
Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833-2931

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at the above address.

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, and the initial statement of reasons.

CONTACT PERSON

Inquiries concerning the proposed administrative action and inquiries regarding the substance of the proposed regulation may be addressed to Lavella Matthews at the above address or at 916/263-6465. An alternative contact for information regarding the proposed amendment is Kim Smith at the above address or at 916/263-5355.

When prepared, copies of the final statement of reasons will be available from the contacts listed above.

INTERNET ACCESS OF DOCUMENTS

Copies of the documents referred to in this notice are available via internet at www.chiro.ca.gov.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the State Capitol, Room #112, Sacramento, CA 95814 on July 24, 2003. Written comments must be received by the Board of Chiropractic Examiners at 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833-2931, or by fax at 916/263-5369, or by e-mail addressed to lmattthew@chiro.ca.gov no later than 5:00 p.m. on July 24, 2003, or must be received by the Board at the hearing. The Board of Chiropractic Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] and to implement, interpret or make specific Section 5 of the Chiropractic Initiative Act [Section 1000-5 of the Business and Professions Code], the Board of Chiropractic Examiners is considering changes to Division 4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Revise Section 312—Unlicensed Individuals, adopt Section 312.1—Adequate Supervision of Unlicensed Individuals, adopt Section 312.2—Preceptor Programs, revise Section 312.3—Ownership of a Chiropractic Practice and revise Section 312.4—Ownership of Practice upon the Death or Incapacity of a License. Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] gives the Board the responsibility for implementing regulations they deem necessary for the performance of its work in order to maintain a high standard of professional services and the protection of the public.

Currently, Section 312 provides an exemption for students enrolled in a chiropractic college participating in preceptor programs. The proposed amendment would define the term “student” to include both graduates and non-graduates, provided they are enrolled in Board-approved chiropractic colleges and participating in Board-approved preceptor programs.

The proposed language to Section 312.1 is language removed from Section 312, to establish a separate regulation dealing with the supervision of unlicensed individuals.

The proposed amendment to Section 312.2 sets forth minimum requirements for preceptors and students participating in preceptor programs.

The proposed amendment to Section 312.3 includes a cross-reference to Section 312 and renumbers the regulation. The proposed amendment to Section 312.4 renumbers the section and makes a nonsubstantive change for grammatical purposes.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action will not affect the creation or elimination of jobs within the

State of California, the creation of new businesses or the elimination of existing business within the State of California, or the expansion of businesses currently doing business within the State of California.

Impact on Jobs/New Businesses: The Board of Chiropractic Examiners has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in complying with the proposed amendment.

Housing Costs: The Board has made an initial determination that the proposed regulatory action will not affect housing costs.

Small Business Impact: The proposed amendment may affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Chiropractic Examiners must determine that no alternative which it considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Chiropractic Examiners has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

FEDERAL LAW

The proposed amendment does not duplicate or conflict with any federal law.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from:

Lavella Matthews, Regulations Coordinator
Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833-2931

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at the above address.

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, and the initial statement of reasons.

CONTACT PERSON

Inquiries concerning the proposed administrative action and inquiries regarding the substance of the proposed regulation may be addressed to Lavella Matthews at the above address or at 916/263-6465. An alternative contact for information regarding the proposed amendment is Kim Smith at the above address or at 916/263-5355.

When prepared, copies of the final statement of reasons will be available from the contacts listed above.

INTERNET ACCESS OF DOCUMENTS

Copies of the documents referred to in this notice are available via internet at www.chiro.ca.gov.

TITLE 16. RESPIRATORY CARE BOARD

NOTICE OF PROPOSED CHANGES

NOTICE IS HEREBY GIVEN that the Respiratory Care Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Respiratory Care Board, 444 North 3rd Street, Suite 270, in Sacramento, California at 10:00 a.m. on July 23, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Respiratory Care Board at its office not later than 5:00 p.m. on July 22, 2003, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 3722 of the Business and Professions Code, and to implement, interpret or make specific sections 3766, 3767, and 3768 of said Code, the Respiratory Care Board is considering changes to Division 13.6 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST / POLICY
STATEMENT OVERVIEW

Business and Professions Code section 3766 authorizes the Respiratory Care Board to issue a citation containing an order of abatement and civil penalties against a person, and a person employing or contracting with a person, who acts in the capacity of, or engages in the business of, a respiratory care practitioner in this state without having a license in good standing.

Business and Professions Code section 3767 states the board shall adopt regulations covering the assessment of a civil penalty that shall give due consideration to the gravity of the violation, and any history of previous violations.

This proposal would set forth the guidelines for the issuance and appeal of administrative citations and fines on persons, and those who employ them, when acting in the capacity of, or engaging in the business of, a respiratory care practitioner in this state without a license in good standing.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: NONE

Nondiscretionary Costs/Savings to Local Agencies: NONE

Local Mandate: NONE

Cost to Any Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: NONE

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact of Jobs/new Businesses: The Respiratory Care Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Respiratory Care Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing: NONE

EFFECT ON SMALL BUSINESS

The Respiratory Care Board has determined that the proposed regulations will not affect small businesses. All businesses, including small businesses, are cur-

rently responsible for ensuring that their employees who practice respiratory care in this state possess a respiratory care practitioner license in good standing issued pursuant to the Respiratory Care Practice Act.

CONSIDERATION OF ALTERNATIVES

The Respiratory Care Board must determine that no reasonable alternative which is considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in the Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Respiratory Care Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing by accessing the board's website at www.rcb.ca.gov or upon request from the Respiratory Care Board at 444 North 3rd Street, Suite 270, Sacramento, CA 95814.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person name below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Liane Zimmerman, Assistant Executive Officer
Respiratory Care Board of California
444 North 3rd Street, Suite 270
Sacramento, CA 95814
(916) 323-9983
rcbinfo@dca.ca.gov

The backup contact person is:
Stephanie Nunez, Executive Officer
Respiratory Care Board of California
444 North 3rd Street, Suite 270
Sacramento, CA 95814
(916) 323-9983
rcbinfo@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be addressed to:

Liane Zimmerman, Assistant Executive Officer
Respiratory Care Board of California
444 North 3rd Street, Suite 270
Sacramento, CA 95814
(916) 323-9983
rcbinfo@dca.ca.gov

Website access: Materials regarding this proposal can be found at www.rcb.ca.gov.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA CLEAN AIR ACT NONVEHICULAR SOURCE FEE REGULATIONS

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the California Clean Air Act Nonvehicular Source Fee Regulations. The amendments would establish a process for assessing yearly fees on nonvehicular sources, consumer products manufacturers, and architectural coatings manufacturers for the 2003–2004 and subsequent fiscal years.

DATE: July 24, 2003

TIME: 9:00 a.m.

Location: California Environmental Protection
Agency
Air Resources Board
Auditorium, Second Floor
1001 "I" Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board which will commence at 9:00 a.m., July 24, 2003, and may continue at 8:30 a.m., July 25, 2003. This item may not be considered until July 25, 2003. Please consult the agenda for the meeting, which will be available at least 10 days before July 24, 2003, to determine the day on which this item will be considered.

If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-4011 or amalik@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of new sections 90800.75, 90800.9 and 90804; and proposed amendments to sections 90800.8, 90801, 90802, and 90803, title 17, California Code of Regulations (CCR).

BACKGROUND

Health and Safety Code section 39612 was enacted by the Legislature as part of the California Clean Air Act of 1988. As originally enacted, section 39612 empowered the ARB to assess fees on nonvehicular sources that were authorized by local air district permits to emit 500 tons or more per year of any nonattainment pollutant or its precursors. The total amount of assessed fees was capped at \$3,000,000, and the fees are to be used by the ARB only for the purposes of recovering the costs of additional state programs related to nonvehicular sources.

Pursuant to Health and Safety Code section 39612, the Board approved the California Clean Air Act Nonvehicular Source Fee Regulations in 1989. The original regulations included the fee rate and amounts to be remitted to the ARB by the air pollution control and air quality management districts (districts) for the first year of the program, fiscal year 1989–90. In each subsequent year between 1990 and 1996, the Board approved amendments to the fee regulations identifying the amount of fees to be collected by each district for the following fiscal year. In 1998, the Board adopted amendments which eliminated the need for annual rulemakings. The 1998 amendments established a process under which the ARB Executive Officer identifies the fees to be assessed in each fiscal year and notifies the districts and affected facilities. The process also insures that districts and affected facilities have the opportunity to provide input on the amount of the assessments.

In 2003, the Legislature enacted AB 10X (Stats. 2003, Chapter 1X), which made a number of changes to existing law. AB 10X amended Health and Safety Code section 39612 by: (1) increasing the cap on stationary source permit fees from \$3,000,000 to \$13,000,000 for fiscal year 2003–2004, and allowing the fees to be adjusted annually thereafter for inflation; (2) expanding the universe of stationary sources subject to the fees by specifying that the fees are to be collected from nonvehicular sources authorized by local air district permits to emit 250 tons (instead of the previous 500 tons) or more per year of any nonattainment pollutant or its precursors; and (3) authorizing the ARB to collect the fees directly, instead of requiring the districts to first collect the fees and then transmit them to the ARB.

In addition, AB10X authorizes the ARB for the first time to assess fees on manufacturers of consumer products and architectural coatings. The fees may be

assessed on those manufacturers whose total sales of consumer products or architectural coatings will result in the emission in California of 250 tons per year or greater of volatile organic compounds (VOCs). The fees on manufacturers are to be expended by the ARB solely to mitigate or reduce air pollution in the state created by consumer products and architectural coatings.

DESCRIPTION OF PROPOSED REGULATORY ACTION

In this rulemaking, the staff is proposing amendments to the existing fee regulations to implement the provisions of AB 10X. For stationary point sources (i.e., facilities) the amendments provide for the Executive Officer to assess annual fees on facilities authorized by local air district permits to emit 250 or more tons per year of any nonattainment pollutant or its precursors. Districts would no longer be required to collect the fee from facilities, but each district would instead have the option to collect the fees if they choose to do so. The ARB would collect the fees directly in all districts that do not choose this option. In other respects, the basic fee assessment process for facilities is the same as the existing process.

The proposed amendments would also provide for the Executive Officer to assess annual fees on manufacturers of consumer products and architectural coatings whose total sales will result in VOC emissions in California of 250 tons per year or greater. The fee assessment process for manufacturers is essentially the same as that for facilities, except that ARB would collect these fees directly from manufacturers in all cases; districts would not have the option of collecting the fees on behalf of the ARB.

Like the existing regulations, the proposed regulations would continue to provide for: (1) the collection of the emission fees on a dollar-per-ton basis; (2) the recovery of administrative costs by the districts if they chose to collect the fees from facilities; and (3) the imposition of additional fees on sources that do not pay in a timely manner.

Finally, the proposed amendments establish an abbreviated fee assessment process for fiscal year 2003–2004, because it is likely that only limited time will remain in this fiscal year by the date the amendments are approved by the Office of Administrative Law and become legally operative. The fee determinations will be as of the July 24, 2003 hearing date, unless the Executive Officer makes a modification that is based on subsequently received information, and the modification is explained in the final assessment notification. This approach will insure that by the time of the Board hearing the districts, facilities, and manufacturers are aware of and have a chance to comment on the anticipated amounts and basis for the fees.

The Governor's budget for fiscal year 2003–2004 proposes that the ARB collect a total of \$13 million in fees from stationary sources, consumer products manufacturers, and architectural coatings manufacturers. However, if the Legislature approves a budget recommendation of the Legislative Analyst's Office to increase the fees by \$4.4 million, the ARB would be authorized to collect \$17.4 million in fees from these sources for fiscal year 2003–2004.

There are no federal regulations that are comparable to the proposed fee regulations.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed action, which includes a summary of the potential environmental and economic impacts, and environmental justice considerations of the proposal.

Copies of the ISOR and the full text of the proposed regulatory language may be obtained from the Board's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing (July 24, 2003).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons identified in this notice, or may be accessed on the web site listed below.

Inquiries concerning the substance of the proposed regulatory action may be directed to the designated agency contact persons:

- 1) For general questions on the proposed regulatory action:
Mr. Don Rake, Planning and Technical Support Division,
(916) 322-7304, e-mail drake@arb.ca.gov.
- 2) For questions on Nonvehicular Sources:
Mr. Don Rake, Planning and Technical Support Division,
(916) 322-7304, e-mail drake@arb.ca.gov;
- 3) For questions on Consumer Products:
Ms. Judy Yee, Stationary Source Division,
(916) 322-9148, e-mail jyee@arb.ca.gov; and
- 4) For questions on Architectural Coatings:
Mr. Jim Nyarady, Stationary Source Division,
(916) 322-8273, email jnyarady@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board staff has

compiled a record for this rulemaking action, which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 323-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/feereg03/feereg03.htm

COSTS TO PUBLIC AGENCIES, BUSINESSES, AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

The Board's Executive Officer has determined that the regulations will not create costs or savings, as defined in Government Code sections 11346.5(a)(5) and 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), division 4, title 2 of the Government Code, except as discussed below, or other non-discretionary savings to state or local agencies.

The proposed regulatory action will impose a mandate upon and create costs to some local agencies. For fiscal year 2003–2004, facilities operated by three local agencies have been identified as being subject to the fees. The aggregate cost to these three local agencies will be approximately \$141,000 to \$188,000 for this fiscal year. These costs, as well as any permit fees that may be paid in subsequent fiscal years by any local agency, are not reimbursable state mandated costs pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, because the fee regulations apply generally to all facilities in the State which emit 250 tons or more per year of nonattainment pollutants or their precursors and, therefore, do not impose unique requirements on local government agencies.

The Board's Executive Officer has also determined that individual local air pollution control and air quality management districts (districts) may incur some administrative costs as a result of the proposed regulatory action if a district chooses to collect fees from facilities instead of the ARB. However, districts are not mandated by the proposed regulations to collect the fees; a district would incur no administra-

tive costs unless it chooses to collect the fees itself. In addition, any administrative costs incurred by a district are not reimbursable state mandated costs because of the districts' authority to recover the costs through fee assessments; Health and Safety Code section 39612(e) and (f)(1), and proposed section 90800.9(e), title 17, CCR, authorize districts to recover these administrative costs from facilities subject to the fees.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impact on private persons and businesses. The Executive Officer has initially determined that there will be a potential cost impact on private persons or businesses directly affected as a result of the proposed regulatory action, but this impact is not expected to be significant.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other States, or on representative private persons. In fiscal year 2003–2004, approximately 104 facilities in the state are expected to be assessed permit fees under the proposed regulations. Among the operators of these facilities are major oil and gas producers, utilities, and major manufacturing enterprises. The proposed regulatory action could result in an increased cost to individual facilities of \$14,000 to \$500,000. Approximately 24 companies involved in the manufacturer of architectural coatings that are sold in the State would be subject to the fees. This could result in an increased cost to individual architectural coatings manufacturers of approximately \$14,000 to \$342,000 per year, depending on the amount of emissions generated by the manufacturer. Approximately 54 manufacturers of consumer products would be subject to the fees. This could result in an increased cost to individual consumer products manufacturers of approximately \$14,000 to \$404,000 per year.

In accordance with Government Code section 11346.3, the Executive Officer has initially determined that the proposed regulatory action will have minimal or no impacts on the creation or elimination of jobs within the State of California, minimal or no impacts on the creation of new businesses or the elimination of existing businesses within State of California, and minimal or no impacts on the expansion of businesses currently doing business within State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR section 4, that the regulations will affect small businesses. No facilities subject to the proposed regulations are considered to be small businesses. However, some consumer products manu-

facturers and architectural coatings manufacturers subject to the proposed regulations are considered to be small businesses.

Before taking final action on the proposed regulatory action, the ARB must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received no later than **12:00 noon, July 23, 2003**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: **feereg03@listserv.arb.ca.gov** and received at the ARB by **no later than 12:00 noon, July 23, 2003**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon July 23, 2003**.

The Board requests, but does not require, 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring any suggestions for modification of the proposed regulatory action to the attention of staff in advance of the hearing.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in sections 39600, 39601, 39612 and 39613 of the Health and Safety Code. This action is proposed to implement, interpret, or make specific sections 39002, 39500, 39600, 39612, and 39613 of the Health and Safety Code; section 9600(a), Government Code; and Article 4, section 8(c)(1) of the California Constitution.

HEARING PROCEDURES

The public hearing to consider this matter will be conducted in accordance with the California Admin-

istrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The ARB may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 23. STATE WATER RESOURCES CONTROL BOARD

NOTICE OF INTENTION TO AMEND A CONFLICT OF INTEREST CODE

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board intends to amend its conflict of interest code pursuant to Government Code Sections 87300–87302 and 87306. These amendments are limited to the designated employees list in the Appendix to the code. The amendments will designate additional positions and rename positions held by employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. The amendments will also delete positions that no longer exist.

A written comment period has been established commencing on June 6, 2003 and terminating on August 5, 2003. Any interested person may present written comments concerning the proposed code amendment no later than August 5, 2003 to the State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814, Attention: Marleigh Wood, Office of the Chief Counsel. No public hearing on this matter will be held unless any interested person or his or her representative requests, no later than 15 days prior to the close of the written comment period, a public hearing.

The State Water Resources Control Board has prepared a written explanation of the reasons for the

designations and the disclosure responsibilities and has available all of the information upon which its proposed amendments are based.

Copies of the proposed code amendments and all of the information upon which they are based may be obtained from Marleigh Wood, Office of the Chief Counsel, State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814. Any inquiries concerning the proposed code amendments should be directed to Marleigh Wood at (916) 341-5169.

The State Water Resources Control Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The adoption of the proposed amendment will not impose a cost or savings on any state agency, local agency, or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) or Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE OF PROPOSED PROSPECTIVE
PURCHASER AGREEMENT BKK LANDFILL
SITE WEST COVINA, CALIFORNIA

The Department of Toxic Substances Control (DTSC) executed a proposed prospective purchaser agreement (the Agreement) associated with the BKK

landfill site (the Site), located in West Covina, Los Angeles County, California on May 27, 2003. The Site is an interim status hazardous waste facility. The agreement, between the City of West Covina, California, (the City), and DTSC, is subject to final approval after the comment period. The Agreement would resolve certain potential DTSC claims against the City as an "owner" under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), the Resource Conservation and Recovery Act (RCRA) and chapters 6.8 and 6.5, division 20 of the Health and Safety Code. The Agreement does not relieve the BKK Corporation (BKK) of its liability as an owner/operator of the Site.

The City plans to purchase approximately 158 acres of the 583-acre BKK hazardous waste facility for redevelopment into sports, recreation and commercial uses. Under the Agreement, the City would be required to implement a workplan for monitoring soil, soil-gas and indoor air at any development involving a park or playground that the City approves on certain specified portions of the property it plans to purchase if the facility owner/operator, BKK, fails to do so and if funds are available to the City to implement the workplan. Under a separate agreement being entered into between the City, BKK and Wells Fargo Bank, the City also has certain obligations to oversee BKK's use of the funds obtained from the purchase of the property for compliance with local, State and federal requirements at the landfill site.

The City is required to grant access to the property to the U.S. Environmental Protection Agency (U.S. EPA), DTSC, their authorized officers, employees, representatives, and all other persons performing response actions under U.S. EPA or DTSC oversight.

DTSC will consider public comments on the proposed Agreement that are received by DTSC within thirty (30) days of the date of this notice. DTSC may modify or withdraw its consent to the Agreement if comments received disclose facts or considerations that indicate the Agreement is inappropriate, improper or inadequate.

The Agreement is available for public inspection at the Department of Toxic Substances Control, 1011 North Grandview, Glendale, California and the information repository for the BKK Landfill Site located at the West Covina Public Library, 1601 West Covina Parkway, West Covina, CA 91790. The Agreement may also be inspected or a copy obtained by contacting the DTSC representatives listed below:

Marilee Hanson or Steve Koyasako
Office of Legal Counsel
Department of Toxic Substances Control

1001 "I" Street, 23rd Floor
Sacramento, California 95814
Phone: (916) 327-0979 (Marilee Hanson)
(916) 322-6996 (Steve Koyasako)
Facsimile: (916) 323-5542
E-mail: mhanson@dtsc.ca.gov
Skovasak@dtsc.ca.gov

Comments should reference "The BKK Landfill Site Prospective Purchaser Agreement" and should be simultaneously forwarded to Marilee Hanson at the above address and:

Steve Samaniego
Environmental Management Director
City of West Covina
1444 W. Garvey Avenue
West Covina, California 91793

For further information, contact Marilee Hanson or Steve Koyasako at the above addresses and telephone numbers.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On April 29, 2003, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance for container crushing and consolidation to Delta Diablo Sanitary District's household hazardous waste collection program. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes Delta Diablo's household hazardous waste collection facility to utilize container crusher equipment to empty and crush water based and oil/solvent based paint and other waste materials contained in one gallon or less sized containers. Standards exempted are contained in Health and Safety Code, section 25201. Recyclable bulked contents and container materials will be sent for recycling. Non-recyclable bulked contents will be further managed as hazardous waste. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On May 8, 2003, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year Agricultural Oil collection variance renewal to Glenn County. Authority for this action is contained in Health and Safety

Code, section 25143. The variance authorizes the listed sites to accept up to 55-gallons of used oil from local growers. Those locations include:

Burrows Oil Co., 245 Garden Street, Willows
 Gandy-Staley Oil Co., 630 Eureka Street, Willows
 Valley Petroleum, 100 County Road 53, Willows
 John's Tire & Muffler, 512 South Street, Orland
 Glenn County Landfill, 5700 County Road 33,
 Artois

Standards exempted are contained in Health and Safety Code, sections 25163 and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**CALIFORNIA REGULATORY REGISTER
 NOTICE ACTION DESCRIPTION FOR AN
 EMERGENCY RESPONSE INCIDENT
 OPERATIONS VARIANCE ISSUED BY THE
 STATEWIDE COMPLIANCE DIVISION,
 TRANSPORTATION SECTION, FOR THE
 SAN DIEGO FIRE-RESCUE DEPARTMENT.**

On May 19, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to the San Diego Fire-Rescue Department, a registered transporter of hazardous waste, to conduct emergency response incident operations authorized under the California Code of Regulations, title 22, section 66263.43. The variance permits the grantee to transport emergency response and other highway spill waste to a designated central collection facility. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to the Code of Federal Regulations, title 49, part 172, subpart C. The hazardous waste must then be manifested to an authorized facility.

CEQA EXEMPTION

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on May 31, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

**CALIFORNIA REGULATORY REGISTER
 NOTICE ACTION DESCRIPTION FOR A
 SMALL LOAD OPERATIONS VARIANCE
 ISSUED BY THE STATEWIDE COMPLIANCE
 DIVISION, TRANSPORTATION SECTION,
 FOR VANMAR PRECIOUS METALS.**

On May 19, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to Vanmar Precious Metals, a registered transporter of hazardous waste, to conduct small load operations authorized under the California Code of Regulations, title 22, section 66263.46. The variance permits the grantee to transport up to 100 kilograms of jewelry sweeps and polishings waste per load, and no greater than 1000 kilograms per calendar month, directly to an authorized facility. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to the Code of Federal Regulations, title 49, part 172, subpart C, and the California Code of Regulations, title 22, section 66263.46(f).

CEQA EXEMPTION

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on June 30, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

**RULEMAKING PETITION
 DECISIONS**

DEPARTMENT OF CORRECTIONS

**NOTICE OF DECISION ON PETITION TO
 AMEND REGULATIONS
 California Code of Regulations
 Title 15, Crime Prevention and Corrections**

PETITIONER

Alvin R. Ross.

AUTHORITY

Under authority established in Penal Code (PC) Section 5058, the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management, and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections to amend regulations in the California Code of Regulations (CCR), Title 15, Division 3, Section 3191. The Petitioner requests that the Department amend regulations regarding appliance volume control.

DEPARTMENT DECISION

The Director of Corrections denies the petition to amend regulations in Title 15, Division 3, Section 3191 of the CCR.

The Petitioner requests that the Department amend regulations to state that any appliance item found to be excessively loud in volume be deemed as mismanaged and shall be cause for disciplinary action pursuant to Section 3312(a). The Petitioner further contends that inmates are allowed to play appliances without any discipline, respect, or regard for others while maintaining a volume level so resounding that it produces a safety and security hazard.

Current CCR, Section 3190, clearly states that institutions shall permit inmates to possess in their living quarters. . . personal property items that present no threat to institution security or the safety of persons.

The Department contends that pursuant to local operating procedures, headphone/earphone jacks are required on newly purchased televisions and radios at the Petitioner's institution. The Department further contends that each institution enforces acceptable volume levels within housing units pursuant to each institution's local operating procedures. Failure to comply with these local procedures can result in the loss of the television/radio as part of the adjudication of the disciplinary process.

Pursuant to CCR, Section 3084.1, any inmate may pursue a remedy through the Inmate Appeal process, which they can demonstrate as having an adverse effect upon their welfare.

PROPOSITION 65

STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY JUNE 6, 2003

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 23-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Allyl chloride			Bitumens, extracts of		
Delisted October 29, 1999	407051	January 1, 1990	steam-refined and air refined	—	January 1, 1990
2-Aminoanthraquinone	117793	October 1, 1989	Bracken fern	—	January 1, 1990
p-Aminoazobenzene	60093	January 1, 1990	Bromate	15541454	May 31, 2002
ortho-Aminoazotoluene	97563	July 1, 1987	Bromodichloromethane	75274	January 1, 1990
4-Aminobiphenyl			Bromoethane	74964	December 22, 2000
(4-aminodiphenyl)	92671	February 27, 1987	Bromoform	75252	April 1, 1991
1-Amino-2,4-dibromo- anthraquinone	81492	August 26, 1997	1,3-Butadiene	106990	April 1, 1988
3-Amino-9-ethylcarbazole			1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987
hydrochloride	6109973	July 1, 1989	Butylated hydroxyanisole	25013165	January 1, 1990
2-Aminofluorene	153786	January 29, 1999	beta-Butyrolactone	3068880	July 1, 1987
1-Amino-2-methylan- thraquinone	82280	October 1, 1989	Cacodylic acid	75605	May 1, 1996
2-Amino-5-(5-nitro-2-furyl)-1,3,4- thiadiazole	712685	July 1, 1987	Cadmium and cadmium compounds	—	October 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999	Caffeic acid	331395	October 1, 1994
Amitrole	61825	July 1, 1987	Captafol	2425061	October 1, 1988
Analgesic mixtures containing phenacetin	—	February 27, 1987	Captan	133062	January 1, 1990
Aniline	62533	January 1, 1990	Carbazole	86748	May 1, 1996
Aniline hydrochloride	142041	May 15, 1998	Carbon black (airborne, unbound particles of respirable size)	1333864	February 21, 2003
ortho-Anisidine	90040	July 1, 1987	Carbon tetrachloride	56235	October 1, 1987
ortho-Anisidine hydro- chloride	134292	July 1, 1987	Carbon-black extracts	—	January 1, 1990
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990	N-Carboxymethyl-N- nitrosourea	60391926	January 25, 2002
Aramite	140578	July 1, 1987	Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Arsenic (inorganic arsenic compounds)	—	February 27, 1987	Certain combined chemotherapy for lymphomas	—	February 27, 1987
Asbestos	1332214	February 27, 1987	Chlorambucil	305033	February 27, 1987
Auramine	492808	July 1, 1987	Chloramphenicol	56757	October 1, 1989
Azacitidine	320672	January 1, 1992	Chlordane	57749	July 1, 1988
Azaserine	115026	July 1, 1987	Chlordecone (Kepone)	143500	January 1, 1988
Azathioprine	446866	February 27, 1987	Chlordimeform	6164983	January 1, 1989
Azobenzene	103333	January 1, 1990	Chlorendic acid	115286	July 1, 1989
			Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989
Benz[a]anthracene	56553	July 1, 1987	p-Chloroaniline	106478	October 1, 1994
Benzene	71432	February 27, 1987	p-Chloroaniline hydrochloride	20265967	May 15, 1998
Benzidine [and its salts]	92875	February 27, 1987	Chlorodibromomethane		
Benzidine-based dyes	—	October 1, 1992	Delisted October 29, 1999	124481	January 1, 1990
Benzo[b]fluoranthene	205992	July 1, 1987	Chloroethane (Ethyl chloride)	75003	July 1, 1990
Benzo[j]fluoranthene	205823	July 1, 1987	1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU)		
Benzo[k]fluoranthene	207089	July 1, 1987	(Lomustine)	13010474	January 1, 1988
Benzo[ghi]perylene	271896	October 1, 1990	1-(2-Chloroethyl)-3-(4- methylcyclohexyl)-1- nitrosourea (Methyl- CCNU)	13909096	October 1, 1988
Benzo[a]pyrene	50328	July 1, 1987	Chloroform	67663	October 1, 1987
Benzotrichloride	98077	July 1, 1987	Chloromethyl methyl ether (technical grade)	107302	February 27, 1987
Benzyl chloride	100447	January 1, 1990	3-Chloro-2-methylpropene	563473	July 1, 1989
Benzyl violet 4B	1694093	July 1, 1987	1-Chloro-4-nitrobenzene	100005	October 29, 1999
Beryllium and beryllium compounds	—	October 1, 1987	4-Chloro-ortho-phenylenedia- mine	95830	January 1, 1988
Betel quid with tobacco	—	January 1, 1990	p-Chloro-o-toluidine	95692	January 1, 1990
2,2-Bis(bromomethyl)-1,3- propanediol	3296900	May 1, 1996	p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
Bis(2-chloroethyl)ether	111444	April 1, 1988			
N,N-Bis(2-chloroethyl)-2- naphthylamine (Chlor- napazine)	494031	February 27, 1987			
Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987			
Bis(chloromethyl)ether	542881	February 27, 1987			
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999			

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 23-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997	Dibenz[a,h]anthracene	53703	January 1, 1988
Chloroprene	126998	June 2, 2000	7H-Dibenzo[c,g]carbazole	194592	January 1, 1988
Chlorothalonil	1897456	January 1, 1989	Dibenzo[a,e]pyrene	192654	January 1, 1988
Chlorotrianisene	569573	September 1, 1996	Dibenzo[a,h]pyrene	189640	January 1, 1988
Chlorozotocin	54749905	January 1, 1992	Dibenzo[a,i]pyrene	189559	January 1, 1988
Chromium (hexavalent compounds)	—	February 27, 1987	Dibenzo[a,l]pyrene	191300	January 1, 1988
Chrysene	218019	January 1, 1990	1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987
C.I. Acid Red 114	6459945	July 1, 1992	2,3-Dibromo-1-propanol	96139	October 1, 1994
C.I. Basic Red 9 monohydrochloride	569619	July 1, 1989	Dichloroacetic acid	79436	May 1, 1996
C.I. Direct Blue 15	2429745	August 26, 1997	p-Dichlorobenzene	106467	January 1, 1989
C.I. Direct Blue 218	28407376	August 26, 1997	3,3'-Dichlorobenzidine	91941	October 1, 1987
C.I. Solvent Yellow 14	842079	May 15, 1998	3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992	1,4-Dichloro-2-butene	764410	January 1, 1990
Cidofovir	79217600	January 29, 1999	3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988
Cinnamyl anthranilate	113852372	July 1, 1989	1,1-Dichloroethane	75343	January 1, 1990
Cisplatin	87296	October 1, 1988	Dichloromethane (Methylene chloride)	75092	April 1, 1988
Citrus Red No. 2	15663271	October 1, 1989	1,2-Dichloropropane	78875	January 1, 1990
Clofibrate	6358538	September 1, 1996	1,3-Dichloropropene	542756	January 1, 1989
Cobalt metal powder	637070	July 1, 1992	Dieldrin	60571	July 1, 1988
Cobalt [II] oxide	7440484	July 1, 1992	Dienestrol	84173	January 1, 1990
Cobalt sulfate heptahydrate	1307966	June 2, 2000	Diepoxybutane	1464535	January 1, 1988
Coke oven emissions	10026241	February 27, 1987	Diesel engine exhaust	—	October 1, 1990
Conjugated estrogens	—	February 27, 1987	Di(2-ethylhexyl)phthalate	117817	January 1, 1988
Creosotes	—	October 1, 1988	1,2-Diethylhydrazine	1615801	January 1, 1988
para-Cresidine	120718	January 1, 1988	Diethyl sulfate	64675	January 1, 1988
Cupferron	135206	January 1, 1988	Diethylstilbestrol (DES)	56531	February 27, 1987
Cycasin	14901087	January 1, 1988	Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989
Cyclophosphamide (anhydrous)	50180	February 27, 1987	Dihydrosafrole	94586	January 1, 1988
Cyclophosphamide (hydrated)	6055192	February 27, 1987	Diisopropyl sulfate	2973106	April 1, 1993
Cytembena	21739913	May 15, 1998	3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988
D&C Orange No. 17	3468631	July 1, 1990	3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990
D&C Red No. 8	2092560	October 1, 1990	Dimethyl sulfate	77781	January 1, 1988
D&C Red No. 9	5160021	July 1, 1990	4-Dimethylaminoazobenzene	60117	January 1, 1988
D&C Red No. 19	81889	July 1, 1990	trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738540	January 1, 1988
Dacarbazine	4342034	January 1, 1988	7,12-Dimethylbenz(a)anthracene	57976	January 1, 1990
Daminozide	1596845	January 1, 1990	3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117102	January 1, 1992	3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992
Daunomycin	20830813	January 1, 1988	Dimethylcarbamoyl chloride	79447	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72548	January 1, 1989	1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72559	January 1, 1989	1,2-Dimethylhydrazine	540738	January 1, 1988
DDT (Dichlorodiphenyltrichloroethane)	50293	October 1, 1987	Dimethylvinylchloride	513371	July 1, 1989
DDVP (Dichlorvos)	62737	January 1, 1989	3,7-Dinitrofluoranthene	105735715	August 26, 1997
N,N'-Diacetylbenzidine	613354	October 1, 1989	3,9-Dinitrofluoranthene	22506532	August 26, 1997
2,4-Diaminoanisole	615054	October 1, 1990	1,6-Dinitropyrene	42397648	October 1, 1990
2,4-Diaminoanisole sulfate	39156417	January 1, 1988	1,8-Dinitropyrene	42397659	October 1, 1990
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988	Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Diaminotoluene	95807	January 1, 1988	2,4-Dinitrotoluene	121142	July 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990	2,6-Dinitrotoluene	606202	July 1, 1995
Dibenz[a,h]acridine	226368	January 1, 1988			
Dibenz[a,j]acridine	224420	January 1, 1988			

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 23-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Di-n-propyl isocinchomer- onate (MGK Repellent 326)	136458	May 1, 1996	Gyromitrin (Acetaldehyde methylformylhydra- zone)	16568028	January 1, 1988
1,4-Dioxane	123911	January 1, 1988	HC Blue 1	2784943	July 1, 1989
Diphenylhydantoin (Pheny- toin)	57410	January 1, 1988	Heptachlor	76448	July 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630933	January 1, 1988	Heptachlor epoxide	1024573	July 1, 1988
Direct Black 38 (technical grade)	1937377	January 1, 1988	Hexachlorobenzene	118741	October 1, 1987
Direct Blue 6 (technical grade)	2602462	January 1, 1988	Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Direct Brown 95 (technical grade)	16071866	October 1, 1988	Hexachlorodibenzo- dioxin	34465468	April 1, 1988
Disperse Blue 1	2475458	October 1, 1990	Hexachloroethane	67721	July 1, 1990
Diuron	330541	May 31, 2002	Hexamethylphosphora- mide	680319	January 1, 1988
Epichlorohydrin	106898	October 1, 1987	Hydrazine	302012	January 1, 1988
Erionite	12510428	October 1, 1988	Hydrazine sulfate	10034932	January 1, 1988
Estradiol 17B	50282	January 1, 1988	Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988
Estragole	140670	October 29, 1999	Indeno [1,2,3-cd]pyrene	193395	January 1, 1988
Estrone	53167	January 1, 1988	Indium phosphide	22398807	February 27, 2001
Estropipate	7280377	August 26, 1997	IQ (2-Amino-3- methylimidazo[4,5-f] quinoline)	76180966	April 1, 1990
Ethinylestradiol	57636	January 1, 1988	Iprodione	36734197	May 1, 1996
Ethoprop	13194484	February 27, 2001	Iron dextran complex	9004664	January 1, 1988
Ethyl acrylate	140885	July 1, 1989	Isobutyl nitrite	542563	May 1, 1996
Ethyl methanesulfonate	62500	January 1, 1988	Isoprene	78795	May 1, 1996
Ethyl-4,4'-dichloro- benzilate	510156	January 1, 1990	Isosafrole	120581	October 1, 1989
Ethylene dibromide	106934	July 1, 1987	Isoxaflutole	141112290	December 22, 2000
Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987	Lactofen	77501634	January 1, 1989
Ethylene oxide	75218	July 1, 1987	Lasiocarpine	303344	April 1, 1988
Ethylene thiourea	96457	January 1, 1988	Lead acetate	301042	January 1, 1988
Ethyleneimine	151564	January 1, 1988	Lead and lead compounds	—	October 1, 1992
Fenoxycarb	72490018	June 2, 2000	Lead phosphate	7446277	April 1, 1988
Folpet	133073	January 1, 1989	Lead subacetate	1335326	October 1, 1989
Formaldehyde (gas)	50000	January 1, 1988	Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
2-(2-Formylhydrazino)-4- (5-nitro-2-furyl)thiazole	3570750	January 1, 1988	Lynestrenol	52766	February 27, 2001
Furan	110009	October 1, 1993	Mancozeb	8018017	January 1, 1990
Furazolidone	67458	January 1, 1990	Maneb	12427382	January 1, 1990
Furmecyclo	60568050	January 1, 1990	Me-A-alpha-C (2-Amino-3- methyl-9H-pyrido[2,3-b] indole)	68006837	January 1, 1990
Fusarin C	79748815	July 1, 1995	Medroxyprogesterone acetate	71589	January 1, 1990
Ganciclovir sodium	82410320	August 26, 1997	MeIQ(2-Amino-3,4- dimethylimidazo[4,5-f] quinoline)	77094112	October 1, 1994
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990	MeIQx(2-Amino-3,8- dimethylimidazo[4,5-f] quinoxaline)	77500040	October 1, 1994
Gemfibrozil	25812300	December 22, 2000	Melphalan	148823	February 27, 1987
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990	Merphalan	531760	April 1, 1988
Glu-P-1 (2-Amino-6- methylidipyrido[1,2- a:3',2'-d]imidazole)	67730114	January 1, 1990	Mestranol	72333	April 1, 1988
Glu-P-2 (2-Aminodipyri- do[1,2-a:3',2'-d]imida- zole)	67730103	January 1, 1990	Metham sodium	137428	November 6, 1998
Glycidaldehyde	765344	January 1, 1988	8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987
Glycidol	556525	July 1, 1990	5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988
Griseofulvin	126078	January 1, 1990			

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 23-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
2-Methylaziridine (Propyleneimine)	75558	January 1, 1988	o-Nitroanisole	91236	October 1, 1992
Methylazoxymethanol	590965	April 1, 1988	Nitrobenzene	98953	August 26, 1997
Methylazoxymethanol acetate	592621	April 1, 1988	4-Nitrobiphenyl	92933	April 1, 1988
Methyl carbamate	598550	May 15, 1998	6-Nitrochrysene	7496028	October 1, 1990
3-Methylcholanthrene	56495	January 1, 1990	Nitrofen (technical grade)	1836755	January 1, 1988
5-Methylchrysene	3697243	April 1, 1988	2-Nitrofluorene	607578	October 1, 1990
4,4'-Methylene bis (2-chloroaniline)	101144	July 1, 1987	Nitrofurazone	59870	January 1, 1990
4,4'-Methylene bis(N,N-dimethyl) benzenamine	101611	October 1, 1989	1-[(5-Nitrofurfurylidene)-amino]- 2-imidazolidinone	555840	April 1, 1988
4,4'-Methylene bis (2-methylaniline)	838880	April 1, 1988	N-[4-(5-Nitro-2-furyl)-2- thiazolyl]acetamide	531828	April 1, 1988
4,4'-Methylenedianiline	101779	January 1, 1988	Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988
4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988
Methyleugenol	93152	November 16, 2001	Nitrogen mustard N-oxide	126852	April 1, 1988
Methylhydrazine and its salts	—	July 1, 1992	Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988
Methyl iodide	74884	April 1, 1988	Nitromethane	75525	May 1, 1997
Methylmercury compounds	—	May 1, 1996	2-Nitropropane	79469	January 1, 1988
Methyl methanesulfonate	66273	April 1, 1988	1-Nitropyrene	5522430	October 1, 1990
2-Methyl-1-nitroanthraquin- one (of uncertain purity)	129157	April 1, 1988	4-Nitropyrene	57835924	October 1, 1990
N-Methyl-N'-nitro-N- nitrosoguanidine	70257	April 1, 1988	N-Nitrosodi-n-butylamine	924163	October 1, 1987
N-Methylolacrylamide	924425	July 1, 1990	N-Nitrosodiethanolamine	1116547	January 1, 1988
Methylthiouracil	56042	October 1, 1989	N-Nitrosodiethylamine	55185	October 1, 1987
Metiram	9006422	January 1, 1990	N-Nitrosodimethylamine	62759	October 1, 1987
Metronidazole	443481	January 1, 1988	p-Nitrosodiphenylamine	156105	January 1, 1988
Michler's ketone	90948	January 1, 1988	N-Nitrosodiphenylamine	86306	April 1, 1988
Mirex	2385855	January 1, 1988	N-Nitrosodi-n-propylamine	621647	January 1, 1988
Mitomycin C	50077	April 1, 1988	N-Nitroso-N-ethylurea	759739	October 1, 1987
Monocrotaline	315220	April 1, 1988	3-(N-Nitrosomethylamino) propionitrile	60153493	April 1, 1990
5-(Morpholinomethyl)-3-[(5-nitro- furfurylidene)- amino]-2-oxalolidinone	139913	April 1, 1988	4-(N-Nitrosomethylam- ino)-1-(3-pyridyl)1- butanone	64091914	April 1, 1990
Mustard Gas	505602	February 27, 1987	N-Nitrosomethylethyl- amine	10595956	October 1, 1989
MX (3-chloro-4-dichloromethyl-5- hydroxy-2(5H)-furanone)	77439760	December 22, 2000	N-Nitroso-N-methylurea	684935	October 1, 1987
Nafenopin	3771195	April 1, 1988	N-Nitroso-N-methylurethane	615532	April 1, 1988
Nalidixic acid	389082	May 15, 1998	N-Nitrosomethylvinyl- amine	4549400	January 1, 1988
Naphthalene	91203	April 19, 2002	N-Nitrosomorpholine	59892	January 1, 1988
1-Naphthylamine	134327	October 1, 1989	N-Nitrososornicotine	16543558	January 1, 1988
2-Naphthylamine	91598	February 27, 1987	N-Nitrosopiperidine	100754	January 1, 1988
Nickel (Metallic)	7440020	October 1, 1989	N-Nitrosopyrrolidine	930552	October 1, 1987
Nickel acetate	373024	October 1, 1989	N-Nitrososarcosine	13256229	January 1, 1988
Nickel carbonate	3333393	October 1, 1989	o-Nitrotoluene	88722	May 15, 1998
Nickel carbonyl	13463393	October 1, 1987	Norethisterone (Norethin- drone)	68224	October 1, 1989
Nickel hydroxide	12054487; 1212556	October 1, 1989	Norethynodrel	68235	February 27, 2001
Nickelocene	1271289	October 1, 1989	Ochratoxin A	303479	July 1, 1990
Nickel oxide	1313991	October 1, 1989	Oil Orange SS	2646175	April 1, 1988
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	Oral contraceptives, combined	—	October 1, 1989
Nickel subsulfide	12035722	October 1, 1987	Oral contraceptives, sequential	—	October 1, 1989
Niridazole	61574	April 1, 1988	Oxadiazon	19666309	July 1, 1991
Nitrilotriacetic acid	139139	January 1, 1988	Oxazepam	604751	October 1, 1994
Nitrilotriacetic acid, tri- sodium salt mono- hydrate	18662538	April 1, 1989	Oxymetholone	434071	January 1, 1988
5-Nitroacenaphthene	602879	April 1, 1988	Oxythioquinox	2439012	August 20, 1999
5-Nitro-o-anisidine	99592	October 1, 1989	Palygorskite fibers (>5µm in length)	12174117	December 28, 1999

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 23-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Panfuran S	794934	January 1, 1988	Spironolactone	52017	May 1, 1997
Pentachlorophenol	87865	January 1, 1990	Stanozolol	10418038	May 1, 1997
Phenacetin	62442	October 1, 1989	Sterigmatocystin	10048132	April 1, 1988
Phenazopyridine	94780	January 1, 1988	Streptozotocin (streptozocin)	18883664	January 1, 1988
Phenazopyridine hydrochloride	136403	January 1, 1988	Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Phenesterin	3546109	July 1, 1989	Styrene oxide	96093	October 1, 1988
Phenobarbital	50066	January 1, 1990	Sulfallate	95067	January 1, 1988
Phenolphthalein	77098	May 15, 1998			
Phenoxybenzamine	59961	April 1, 1988	Talc containing asbestiform fibers	—	April 1, 1990
Phenoxybenzamine hydrochloride	63923	April 1, 1988	Tamoxifen and its salts	10540291	September 1, 1996
o-Phenylenediamine and its salts	95545	May 15, 1998	Terrazole	2593159	October 1, 1994
Phenyl glycidyl ether	122601	October 1, 1990	Testosterone and its esters	58220	April 1, 1988
Phenylhydrazine and its salts	—	July 1, 1992	2,3,7,8-Tetrachlorodibenzo-para- dioxin (TCDD)	1746016	January 1, 1988
o-Phenylphenate, sodium	132274	January 1, 1990	1,1,2,2-Tetrachloroethane	79345	July 1, 1990
o-Phenylphenol	90437	August 4, 2000	Tetrachloroethylene		
PhiP(2-Amino-1-methyl-6- phenylimidazol[4,5-b] pyridine)	105650235	October 1, 1994	(Perchloroethylene)	127184	April 1, 1988
Polybrominated biphenyls	—	January 1, 1988	p-a,a,a-Tetrachloro- toluene	5216251	January 1, 1990
Polychlorinated biphenyls	—	October 1, 1989	Tetrafluoroethylene	116143	May 1, 1997
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988	Tetranitromethane	509148	July 1, 1990
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992	Thioacetamide	62555	January 1, 1988
Polychlorinated dibenzofurans	—	October 1, 1992	4,4'-Thiodianiline	139651	April 1, 1988
Polygeenan	53973981	January 1, 1988	Thiodicarb	59669260	August 20, 1999
Ponceau MX	3761533	April 1, 1988	Thiourea	62566	January 1, 1988
Ponceau 3R	3564098	April 1, 1988	Thorium dioxide	1314201	February 27, 1987
Potassium bromate	7758012	January 1, 1990	Tobacco, oral use of smokeless products	—	April 1, 1988
Primidone	125337	August 20, 1999	Tobacco smoke	—	April 1, 1988
Procarbazine	671169	January 1, 1988	Toluene diisocyanate	26471625	October 1, 1989
Procarbazine hydrochloride	366701	January 1, 1988	ortho-Toluidine	95534	January 1, 1988
Procymidone	32809168	October 1, 1994	ortho-Toluidine hydrochloride	636215	January 1, 1988
Progesterone	57830	January 1, 1988	para-Toluidine		
Pronamide	23950585	May 1, 1996	Delisted October 29, 1999	406490	January 1, 1990
Propachlor	1918167	February 27, 2001	Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
1,3-Propane sultone	1120714	January 1, 1988	Treosulfan	299752	February 27, 1987
Propargite	2312358	October 1, 1994	Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
beta-Propiolactone	57578	January 1, 1988	Trichloroethylene	79016	April 1, 1988
Propylene oxide	75569	October 1, 1988	2,4,6-Trichlorophenol	88062	January 1, 1988
Propylthiouracil	51525	January 1, 1988	1,2,3-Trichloropropane	96184	October 1, 1992
Pyridine	110861	May 17, 2002	Trimethyl phosphate	512561	May 1, 1996
Quinoline and its strong acid salts	—	October 24, 1997	2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989	Triphenyltin hydroxide	76879	July 1, 1992
Reserpine	50555	October 1, 1989	Tris(aziridinyl)-para-benzoquinone (Triaziquone)	68768	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990	Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
<u>Saccharin</u>			Tris(2-chloroethyl) phosphate	115968	April 1, 1992
<u>Delisted April 6, 2001</u>	81072	October 1, 1989	Tris(2,3-dibromopropyl)phos- phate	126727	January 1, 1988
<u>Saccharin, sodium</u>			Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
<u>Delisted January 17, 2003</u>	428449	January 1, 1988	Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Safrole	94597	January 1, 1988	Trypan blue (commercial grade)	72571	October 1, 1989
Salicylazosulfapyridine	599791	May 15, 1998			
Selenium sulfide	7446346	October 1, 1989	Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Shale-oils	68308349	April 1, 1990	Uracil mustard	66751	April 1, 1988
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988	Urethane (Ethyl carbamate)	51796	January 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987			

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Vinclozolin	50471448	August 20, 1999	Bromoxynil octanoate	developmental	1689992	May 18, 1999
Vinyl bromide	593602	October 1, 1988	Butabarbital sodium	developmental	143817	October 1, 1992
Vinyl chloride	75014	February 27, 1987	1,4-Butanediol	developmental	55981	January 1, 1989
4-Vinylcyclohexene	100403	May 1, 1996	dimethane-sulfonate (Busulfan)			
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990	Cadmium	developmental, male	—	May 1, 1997
Vinyl fluoride	75025	May 1, 1997	Carbamazepine	developmental	298464	January 29, 1999
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990	Carbon disulfide	developmental, female, male	75150	July 1, 1989
2,6-Xylidine (2,6-Dimethylani-line)	87627	January 1, 1991	Carbon monoxide	developmental	630080	July 1, 1989
Zileuton	111406872	December 22, 2000	Carboplatin	developmental	41575944	July 1, 1990
Zineb	12122677	January 1, 1990	Chenodioid	developmental	474259	April 1, 1990
Delisted October 29, 1999	12122677	January 1, 1990	Chinomethionat (Oxythioquinon)	developmental	2439012	November 6, 1998

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999	Cidofovir	developmental, female, male	113852372	January 29, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990	Cladribine	developmental	4291638	September 1, 1996
Actinomycin D	developmental	50760	October 1, 1992	Clarithromycin	developmental	81103119	May 1, 1997
All-trans retinoic acid	developmental	302794	January 1, 1989	Clobetasol propionate	developmental, female	25122467	May 15, 1998
Alprazolam	developmental	28981977	July 1, 1990	Clomiphene citrate	developmental	50419	April 1, 1990
Altretamine	developmental, male	645056	August 20, 1999	Clorazepate dipotassium	developmental	57109907	October 1, 1992
Amantadine hydrochloride	developmental	665667	February 27, 2001	Cocaine	developmental, female	50362	July 1, 1989
Amikacin sulfate	developmental	39831555	July 1, 1990	Codeine phosphate	developmental	52288	May 15, 1998
Aminoglutethimide	developmental	125848	July 1, 1990	Colchicine	developmental, male	64868	October 1, 1992
Aminoglycosides	developmental	—	October 1, 1992	Conjugated estrogens	developmental	—	April 1, 1990
Aminopterin	developmental, female	54626	July 1, 1987	Cyanazine	developmental	21725462	April 1, 1990
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997	Cycloate	developmental	1134232	March 19, 1999
Amitraz	developmental	33089611	March 30, 1999	Cyclohexanol	male	108930	November 6, 1998
Amoxapine	developmental	14028445	May 15, 1998	Delisted January 25, 2002			
Anabolic steroids	female, male	—	April 1, 1990	Cycloheximide	developmental	66819	January 1, 1989
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992	Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989
Anisindione	developmental	117373	October 1, 1992	Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989
Arsenic (inorganic oxides)	developmental	—	May 1, 1997	Cyhexatin	developmental	13121705	January 1, 1989
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990	Cytarabine	developmental	147944	January 1, 1989
Atenolol	developmental	29122687	August 26, 1997	Dacarbazine	developmental	4342034	January 29, 1999
Auranofin	developmental	34031328	January 29, 1999	Danazol	developmental	17230885	April 1, 1990
Azathioprine	developmental	446866	September 1, 1996	Daunorubicin hydrochloride	developmental	23541506	July 1, 1990
Barbiturates	developmental	—	October 1, 1992	2,4-D butyric acid	developmental, male	94826	June 18, 1999
Beclomethasone dipropionate	developmental	5534098	May 15, 1998	o,p' -DDT	developmental, female, male	789026	May 15, 1998
Benomyl	developmental, male	17804352	July 1, 1991	p,p' -DDT	developmental, female, male	50293	May 15, 1998
Benzene	developmental, male	71432	December 26, 1997	2,4-DP (dichloroprop)	developmental	120365	April 27, 1999
Benzodiazepines	developmental	—	October 1, 1992	Delisted January 25, 2002			
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990	Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990	Diazepam	developmental	439145	January 1, 1992
Bromacil lithium salt	developmental, male	53404196	May 18, 1999	Diazoxide	developmental	364987	February 27, 2001
Bromoxynil	developmental	1689845	October 1, 1990	1,2-Dibromo-3-chloropropane (DBCP)	male	96128	February 27, 1987
				Dichlorophene	developmental	97234	April 27, 1999
				Dichlorophenamide	developmental	120978	February 27, 2001
				Diclofop methyl	developmental	51338273	March 5, 1999
				Dicumarol	developmental	66762	October 1, 1992
				Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
				Diffunilal	developmental, female	22494424	January 29, 1999
				Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
				Diltiazem hydrochloride	developmental	33286225	February 27, 2001

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 23-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
<i>m</i> -Dinitrobenzene	male	99650	July 1, 1990	Hydroxyurea	developmental	127071	May 1, 1997
<i>o</i> -Dinitrobenzene	male	528290	July 1, 1990	Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999
<i>p</i> -Dinitrobenzene	male	100254	July 1, 1990	Ifosfamide	developmental	3778732	July 1, 1990
2,4-Dinitrotoluene	male	121142	August 20, 1999	Iodine-131	developmental	10043660	January 1, 1989
2,6-Dinitrotoluene	male	606202	August 20, 1999	Isotretinoin	developmental	4759482	July 1, 1987
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999	Lead	developmental, female, male	—	February 27, 1987
Dinocap	developmental	39300453	April 1, 1990	Leuprolide acetate	developmental, female, male	74381536	August 26, 1997
Dinoseb	developmental, male	88857	January 1, 1989	Levodopa	developmental	59927	January 29, 1999
Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987	Levonorgestrel implants	female	797637	May 15, 1998
Disodium cyanodithio- imidocarbonate	developmental	138932	March 30, 1999	Linuron	developmental	330552	March 19, 1999
Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999	Lithium carbonate	developmental	554132	January 1, 1991
Doxycycline (internal use)	developmental	564250	July 1, 1990	Lithium citrate	developmental	919164	January 1, 1991
Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992	Lorazepam	developmental	846491	July 1, 1990
Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991	Lovastatin	developmental	75330755	October 1, 1992
Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991	Mebendazole	developmental	31431397	August 20, 1999
Endrin	developmental	72208	May 15, 1998	Medroxyprogesterone acetate	developmental	71589	April 1, 1990
Epichlorohydrin	male	106898	September 1, 1996	Megestrol acetate	developmental	595335	January 1, 1991
Ergotamine tartrate	developmental	379793	April 1, 1990	Melphalan	developmental	148823	July 1, 1990
Estronipate	developmental	7280377	August 26, 1997	Menotropins	developmental	9002680	April 1, 1990
Ethionamide	developmental	536334	August 26, 1997	Meprobamate	developmental	57534	January 1, 1992
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987	Mercaptopurine	developmental	6112761	July 1, 1990
Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999	Mercury and mercury compounds	developmental	—	July 1, 1990
Ethylene dibromide	developmental, male	106934	May 15, 1998	Methacycline hydrochloride	developmental	3963959	January 1, 1991
Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989	Metham sodium	developmental	137428	May 15, 1998
Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989	Methazole	developmental	20354261	December 1, 1999
Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993	Methimazole	developmental	60560	July 1, 1990
Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993	Methotrexate	developmental	59052	January 1, 1989
Ethylene oxide	female	75218	February 27, 1987	Methotrexate sodium	developmental	15475566	April 1, 1990
Ethylene thiourea	developmental	96457	January 1, 1993	Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993
Etodolac	developmental, female	41340254	August 20, 1999	Methyl chloride	developmental	74873	March 10, 2000
Etoposide	developmental	33419420	July 1, 1990	Methyl mercury	developmental	—	July 1, 1987
Etretinate	developmental	54350480	July 1, 1987	N-Methylpyrrolidone	developmental	872504	June 15, 2001
Fenoxaprop ethyl	developmental	66441234	March 26, 1999	Methyltestosterone	developmental	58184	April 1, 1990
Filgrastim	developmental	121181531	February 27, 2001	Metiram	developmental	9006422	March 30, 1999
Fluazifop butyl	developmental	69806504	November 6, 1998	Midazolam hydrochloride	developmental	59467968	July 1, 1990
Flunisolide	developmental, female	3385033	May 15, 1998	Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992
Fluorouracil	developmental	51218	January 1, 1989	Misoprostol	developmental	59122462	April 1, 1990
Fluoxymesterone	developmental	76437	April 1, 1990	Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990
Flurazepam hydrochloride	developmental	1172185	October 1, 1992	Myclobutanil	developmental, male	88671890	April 16, 1999
Flurbiprofen	developmental, female	5104494	August 20, 1999	Nabam	developmental	142596	March 30, 1999
Flutamide	developmental	13311847	July 1, 1990	Nafarelin acetate	developmental	86220420	April 1, 1990
Fluticasone propionate	developmental	80474142	May 15, 1998	Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992
Fluvalinate	developmental	69409945	November 6, 1998	Netilmicin sulfate	developmental	56391572	July 1, 1990
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Nickel carbonyl	developmental	13463393	September 1, 1996
Gemfibrozil	female, male	25812300	August 20, 1999	Nicotine	developmental	54115	April 1, 1990
Goserelin acetate	developmental, female, male	65807025	August 26, 1997	Nifedipine	developmental, female, male	21829254	January 29, 1999
Halazepam	developmental	23092173	July 1, 1990	Nimodipine	developmental	66085594	April 24, 2001
Halobetasol propionate	developmental	66852548	August 20, 1999	Nitrapyrin	developmental	1929824	March 30, 1999
Haloperidol	developmental, female	52868	January 29, 1999	Nitrofurantoin	male	67209	April 1, 1991
Halothane	developmental	151677	September 1, 1996	Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Heptachlor	developmental	76448	August 20, 1999	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Hexachlorobenzene	developmental	118741	January 1, 1989	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Hexamethylphosphoramide	male	680319	October 1, 1994	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Histrelin acetate	developmental	—	May 15, 1998	Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Hydramethylnon	developmental, male	67485294	March 5, 1999	Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990
				Norgestrel	developmental	6533002	April 1, 1990

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Oxadiazon	developmental	19666309	May 15, 1998
Oxazepam	developmental	604751	October 1, 1992
Oxydemeton methyl	female, male	301122	November 6, 1998
Oxymetholone	developmental	434071	May 1, 1997
Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Paclitaxel	developmental, female, male	33069624	August 26, 1997
Paramethadione	developmental	115673	July 1, 1990
Penicillamine	developmental	52675	January 1, 1991
Pentobarbital sodium	developmental	57330	July 1, 1990
Pentostatin	developmental	53910251	September 1, 1996
Phenacemide	developmental	63989	July 1, 1990
Phenprocoumon	developmental	435972	October 1, 1992
Pimozide	developmental, female	2062784	August 20, 1999
Pipobroman	developmental	54911	July 1, 1990
Plicamycin	developmental	18378897	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128030	March 30, 1999
Pravastatin sodium	developmental	81131706	March 3, 2000
Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Procarbazine hydrochloride	developmental	366701	July 1, 1990
Propargite	developmental	2312358	June 15, 1999
Propylthiouracil	developmental	51525	July 1, 1990
Pyrimethamine	developmental	58140	January 29, 1999
Quazepam	developmental	36735225	August 26, 1997
Quizalofop-ethyl	male	76578148	December 24, 1999
Resmethrin	developmental	10453868	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791045	April 1, 1990
Rifampin	male developmental, female	36791045 13292461	February 27, 2001 February 27, 2001
Secobarbital sodium	developmental	309433	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128041	March 30, 1999
Sodium fluoroacetate	male	62748	November 6, 1998
Streptomycin sulfate	developmental	3810740	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodibenzo- paradoxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	97048130	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: June 6, 2003

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

NOTICE TO INTERESTED PARTIES

1) CLARIFICATION OF CHEMICAL LISTING OF NICKEL AND CERTAIN NICKEL COMPOUNDS

2) REQUEST FOR COMMENT ON PROPOSED LISTING OF NICKEL COMPOUNDS AS KNOWN TO CAUSE CANCER

CLARIFICATION OF LISTING

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). As the lead agency, OEHHA is clarifying the Proposition 65 list of chemicals known to the state to cause cancer by specifying and providing Chemical Abstract Service (CAS) Numbers for those chemicals covered by the listing of "nickel and certain nickel compounds" under Proposition 65 on October 1, 1989.

"Nickel and certain nickel compounds" were added to the Proposition 65 list as a result of a judicial

decision interpreting Labor Code Section 6382(b)(1) and (d), which are incorporated by reference as Proposition 65 listing provisions pursuant to Health and Safety Code Section 25249.8(a). Labor Code Section 6382(b)(1) requires that substances listed as human or animal carcinogens by the International Agency for Research on Cancer (IARC) be included on the Proposition 65 list. Labor Code Section 6382(d) requires listing under Proposition 65 for chemicals identified as carcinogens or potential carcinogens by IARC or the National Toxicology Program (NTP). "Nickel and certain nickel compounds" were originally identified by NTP as "reasonably anticipated to be a human carcinogen" in 1980 in its *First Annual Report on Carcinogens*. As noted in the NTP *Tenth Report on Carcinogens*, "The specific compounds included in this listing were: (metallic) nickel, nickel acetate, nickel carbonate, nickel carbonyl, nickel hydroxide, nickelocene, nickel oxide, and nickel subsulfide." The CAS Numbers for these chemicals were provided in the NTP 1989 *Fifth Annual Report on Carcinogens* and later reports in the series. "Nickel and certain nickel compounds" were originally identified by IARC as "probably carcinogenic to humans (Group 2A)" in 1982 in *IARC Monographs Supplement 4*.

Some nickel compounds were already listed under Proposition 65 at the time of the 1989 additions based on the Labor Code provisions discussed above. On October 1, 1987, based on findings of the state's qualified experts (at that time, the "Scientific Advisory Panel"), nickel carbonyl, nickel refinery dust from the pyrometallurgical processes and nickel subsulfide were added to the Proposition 65 list. To add clarity to the Proposition 65 listing of nickel compounds, the Proposition 65 list of chemicals known to cause cancer is being modified, effective June 6, as follows (deletions in strike-out, additions in bold, no change in normal font):

Chemical	CAS No.	Effective Proposition 65 Listing Date
Nickel (Metallic)	7440020	October 1, 1989
Nickel and Certain Nickel Compounds	—	October 1, 1989
Nickel acetate	373024	October 1, 1989
Nickel carbonate	3333393	October 1, 1989
Nickel carbonyl	13463393	October 1, 1987
Nickel hydroxide	12054487; 12125563	October 1, 1989
Nickelocene	1271289	October 1, 1989
Nickel oxide	1313991	October 1, 1989
Nickel refinery dust from the pyrometallurgical processes	—	October 1, 1987
Nickel subsulfide	12035722	October 1, 1987

Although this notice of June 6, 2003, clarifies the Proposition 65 listing for nickel and certain nickel compounds, as noted in the table above, the effective listing dates for specific compounds covered remain unchanged. A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

PROPOSED LISTING OF NICKEL COMPOUNDS: REQUEST FOR COMMENT

Since the 1989 Proposition 65 listing of nickel and certain nickel compounds, both NTP and IARC have found that all nickel compounds are human carcinogens. In 1990, IARC issued the monograph *Chromium, Nickel and Welding* (Volume 49) in its series *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. In this monograph IARC classified "nickel compounds" as "carcinogenic to humans (Group 1)." In 2002, NTP released its *Tenth Report on Carcinogens* in which it included "nickel compounds" on the list of substances "known to be human carcinogens." Thus both IARC and NTP identified "nickel compounds" as human carcinogens, without restriction to "certain" nickel compounds.

By operation of law based on the Labor Code Section 6382(b)(1) and (d), the broadening of the designation of "certain nickel compounds" by both IARC and NTP to "nickel compounds" requires that the Proposition 65 list be amended. Therefore, OEHHA proposes to add "nickel compounds" to the Proposition 65 list of chemicals known to cause cancer. OEHHA welcomes public comment and input on the proposed change.

Comments should be sent in triplicate, along with any supporting documentation, by mail or by fax to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Comments may also be hand-delivered to Ms. Oshita at the Office of Environmental Health Hazard Assessment at the same address. **In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered or sent by FAX) by 5:00 p.m. on Monday, July 7, 2003.**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)

**Request for Information on Perchlorate (ClO₄), a
Chemical to be Considered by OEHHA's Science
Advisory Board's Developmental and
Reproductive Toxicant (DART) Identification
Committee Extension of Public Comment Period**

On April 11, 2003, the Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the *California Regulatory Notice Register* (CRNR) (Register 03, No. 15-Z) requesting information relevant to an assessment of the reproductive and developmental toxicity of perchlorate (ClO₄). Perchlorate is a chemical to be considered by OEHHA's Science Advisory Board's Developmental and Reproductive Toxicant (DART) Identification Committee. The publication of the notice initiated a 60-day public comment period which would have closed on June 10, 2003. OEHHA has received requests from interested parties seeking an extension of the comment period to allow interested parties and OEHHA to take into consideration the comments of the peer reviewers of OEHHA's draft Public Health Goal (PHG) document on perchlorate. OEHHA hereby extends the public comment period for perchlorate until 60 days after receipt of the peer reviewers' comments on the draft PHG document for perchlorate. Upon receipt of the peer reviewers' comments by OEHHA, an additional public notice will be published in the CRNR and posted on the OEHHA web site at www.oehha.ca.gov announcing the closing date of the public comment period. This extension of the data call-in for perchlorate does not extend to or in any way affect the comment period or review process in place for the PHG document for perchlorate.

Questions concerning this notice may be directed to Ms. Cynthia Oshita, Proposition 65 Implementation at (916) 445-6900.

**PRECEDENTIAL DECISION
INDEX**

DEPARTMENT OF CORPORATIONS

(Government Code § 11425.60)

1. Respondent(s):

L.B. "Lorry" Fredericks; L.B. Fredericks Escrow

Dept. File Number:
ALPHA

OAH File Number:
L-22889

Law(s) Involved:
Financial Code §§ 17416, 17006(a)(4)

Date of Proposed Decision:
March 4, 1981

Date of Decision:
March 9, 1981

Designated In Whole or In Part:
In Whole

Summary:
Cease & Desist order issued under Financial Code § 17416 upheld, despite Financial Code § 17006(a)(4) (real estate broker's exemption), for operator of "escrow divisions" for contracting brokers.

2. Respondent(s):
National School Reporting Services, Inc.; Neil Rosen

Dept. File Number:
ALPHA

OAH File Number:
L-9611021

Law(s) Involved:
Corporations Code §§ 31402, 31110, 31005

Date of Proposed Decision:
April 15, 1997

Date of Decision:
July 24, 1997

Designated In Whole or In Part:
In Whole

Summary:
Desist & Refrain Order issued under Corporations Code § 31402 upheld; provides precedent re existence of a "marketing plan".

3. Respondent(s):
First Financial, Inc.

Dept. File Number:
607-1163

OAH File Number:
N-1997120014

Law(s) Involved:
Financial Code §§ 22714, 22109, 22701

Date of Proposed Decision:
July 23, 1998

Date of Decision:

July 27, 1998

Designated In Whole or In Part:

In Whole

Summary:

Preponderance of the evidence sufficient to justify revocation, pursuant to Financial Code § 22714(a)(3), of license issued under California Finance Lenders Law where president of licensee had falsely represented, on an application form, that he had never received an administrative order and where he had refused to provide the Department's examiners with access to licensee records.

4. Respondent(s):

Internet & Web Services Corporation; Bryan Hertz; Robert Hertz

Dept. File Number:

ALPHA

OAH File Number:

L-1998060195

Law(s) Involved:

Corporations Code §§ 25532; 25110; 25019

Date of Proposed Decision:

September 16, 1998

Date of Decision:

September 28, 1998

Designated In Whole or In Part:

In Whole

Summary:

Desist & Refrain Order issued under Corporations Code § 25532 upheld based on finding that a "contract for website stores" was an "investment contract" under "traditional" analysis; expanded concept of reliance upon efforts of others.

5. Respondent(s):

FairShare, Inc., aka FairShair Capital Markets; Karl M. Sjogren and John G. Wilson

Dept. File Number:

ALPHA

OAH File Number:

N-1998110288

Law(s) Involved:

Corporations Code §§ 25532; 25110; 25019

Date of Proposed Decision:

January 14, 1999

Date of Decision:

January 26, 1999

Designated In Whole or In Part:

In Whole

Summary:

Desist & Refrain order issued under Corporations Code § 25532 upheld based on finding that "membership interests" in "internet-based" organization were "investment contract" securities under both "traditional" and "risk capital" analyses.

6. Respondent(s):

Stacy Ann Maspero

Dept. File Number:

LIT 02-48

OAH File Number:

L-2002090534

Law(s) Involved:

Financial Code §§ 17423; 17414.1; 17702

Date of Proposed Decision:

December 16, 2002

Date of Decision:

January 13, 2003

Designated In Whole or In Part:

In Whole

Summary:

Barred from any position of employment, management or control of any escrow agent for "willfully" making an untrue statement of material fact on an application filed with the Department of Corporations, and being previously convicted of an offense involving controlled substances.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF BEHAVIORAL SCIENCES Unprofessional Conduct

This regulatory action adds the failure to comply with the elder and dependent adult abuse reporting

requirements of Welfare and Institution Code section 15630 to the list of what constitutes unprofessional conduct.

Title 16

California Code of Regulations

AMEND: 1845, 1858, 1881

Filed 05/27/03

Effective 06/26/03

Agency Contact:

Julie McAuliffe (916) 445-4933 x1142

BOARD OF EQUALIZATION

Miscellaneous Repair Operations

This rulemaking clarifies that repairers are consumers of parts used in repairing watches and jewelry and that tax is due on their cost except as otherwise provided.

Title 18

California Code of Regulations

AMEND: 1553

Filed 05/27/03

Effective 06/26/03

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Qualification of Appraisers

The regulatory action deals with the qualifications of appraisers.

Title 18

California Code of Regulations

ADOPT: 284 AMEND: 281, 282, 283

Filed 05/28/03

Effective 06/27/03

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Electronic Funds Transfer

In this regulatory action, the State Board of Equalization sets forth requirements relating to the payment of sales and use tax by electronic funds transfer, pursuant to Revenue and Taxation Code sections 6479.3 and 6479.5.

Title 18

California Code of Regulations

ADOPT: 1707

Filed 05/27/03

Effective 06/26/03

Agency Contact: Diane G. Olson (916) 322-9569

**CALIFORNIA GAMBLING CONTROL
COMMISSION**

Registration of Manufacturers or Distributors of
Gambling Equipment

This action is an emergency readoption of regulations establishing registration and reporting requirements for manufacturers and distributors of gambling equipment in California. The regulations readopted

here were initially adopted in OAL file numbers 02-0926-03E and 02-1127-07E, and readopted in 03-0117-07EE.

Title 4

California Code of Regulations

ADOPT: 12300, 12301, 12302, 12304, 12305, 12306, 12307, 12308, 12309, 12310 AMEND: 12301, 12303, 12309

Filed 05/22/03

Effective 05/22/03

Agency Contact: Herb Bolz (916) 263-0700

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

Change in Statute—Senate Bill 1328

These are changes without regulatory effect in order to comply with SB 1328 (Stats. 2002, c. 628) that expand the Farm and Ranch Solid Waste Cleanup and Abatement Act. The act is amended to include Native American tribes and Resource Conservation Districts, increases the amount for grants and site cleanup, and increases the amount for administrative costs.

Title

California Code of Regulations

AMEND: 17991, 17992.2, 17992.3, 17993.2, 17993.3, 17993.5, 17993.6, 17993.7, 17994.1, 17994.3, and 18831 Appendix A.

Filed 05/28/03

Effective 05/28/03

Agency Contact: Lynn Smith (916) 341-6364

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

Waste Tire Hauler Registration & Manifesting
Regulations

This regulatory action makes extensive changes to the requirements for the waste tire haulers.

Title 14

California Code of Regulations

ADOPT: 18456.4, 18460.1.1 AMEND: 18449, 18450, 18451, 18453, 18453.2, 18454, 18455, 18456, 18456.1, 18456.2, 18456.3, 18457, 18458, 18459, 18459.1, 18459.2, 18459.3, 18460.1, 18460.2, 18461, 18462, 18463, 18465 REPEAL: 18452, 18457.1, 18460, 18464

Filed 05/28/03

Effective 06/27/03

Agency Contact: Wendy Breckon (916) 341-6068

CEMETERY AND FUNERAL BUREAU

Cemetery and Crematory Manager Licensing
Categories

Legislation enacted in 2002 (SB 1952, Stats. 2002, ch. 825, and SB 17, Stats. 2002, ch. 819) requires a licensed cemetery to employ a cemetery manager and a licensed crematory to employ a crematory manager to manage, direct, and supervise. Sections 9715.1,

9723, 9787, and 9787.2 of the Business and Professions Code require that on or after July 1, 2003 all cemeteries and crematories be managed by a manager who has been examined and licensed by the Bureau. This emergency regulatory action requires that applicants for examination or licensure as a cemetery manager or crematory manager submit a specified application, specifies an expiration period for such applications, establishes examination and licensure fees, and provides for the sharing of cemetery managers.

Title 16
California Code of Regulations
ADOPT: 2317, 2317.1, 2317.2, 2326.5, 2328.1
Filed 05/27/03
Effective 05/27/03
Agency Contact: Linda Kassis (916) 322-7737

DENTAL BOARD OF CALIFORNIA
Approval of RDHAP Education Programs

This rulemaking eliminates the requirement that a Registered Dental Hygienist in Alternative Practice educational program be affiliated with a dental school.

Title 16
California Code of Regulations
ADOPT: 1073.2
Filed 05/22/03
Effective 06/21/03
Agency Contact: Linda Madden (916) 263-2300

DEPARTMENT OF CORRECTIONS
General Visiting

This action makes nonsubstantive, editorial changes only.

Title 15
California Code of Regulations
AMEND: 3170, 3170.1, 3171, 3172, 3173
Filed 05/22/03
Effective 06/21/03
Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS
Inmate Restitution & Direct Order Collection

In this regulatory action, the Department of Corrections amends its regulation relating to "Inmate Restitution Fine and Direct Order Collections." This regulation provides for deductions from inmate wages and trust account deposits when inmates have court-imposed direct orders of restitution or restitution fines.

Title 15
California Code of Regulations
AMEND: 3097
Filed 05/27/03
Effective 07/01/03
Agency Contact: Cassie Mraz (916) 324-6776

DEPARTMENT OF DEVELOPMENTAL SERVICES
Special Incident Reporting

This nonsubstantive filing corrects an error in the California Code of Regulations, and corrects an alphabetical problem.

Title 17
California Code of Regulations
AMEND: 54327, 54327.1, 56002
Filed 05/27/03
Effective 05/27/03
Agency Contact: Diana nicolaou (916) 654-1760

DEPARTMENT OF FOOD AND AGRICULTURE
Direct Marketing

The proposed action would authorize the director, on a case by case basis, to waive or modify specific restrictions on the direct marketing of agricultural products sold at certified farmers' markets if a declared plant, pest, or animal quarantine, or a declared state of emergency, as defined by Government Code Section 8558, interferes with the normal operative effect of the rules.

Title 3
California Code of Regulations
ADOPT: 1392.12
Filed 05/28/03
Effective 05/28/03
Agency Contact:
Janice L. Price (916) 654-0919

DEPARTMENT OF HEALTH SERVICES
Long Term Care Rates (Fiscal Year 2001-2002)

This emergency readoption raises the rate paid to long term care facilities.

Title 22
California Code of Regulations
AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51523.3, 51535, 51535.1, 51544, 54501
Filed 05/22/03
Effective 05/22/03
Agency Contact:
Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF PESTICIDE REGULATION
Toxic Air Contaminants

This action adds four pesticide compounds, or classes of compounds to the lists of toxic air contaminants set forth in subdivisions (a) and (b) of section 6860 of title 3 of the California Code of Regulations.

Title 3
California Code of Regulations
AMEND: 6860
Filed 05/22/03
Effective 06/21/03
Agency Contact: Fred Bundock (916) 324-4194

**DEPARTMENT OF SOCIAL SERVICES
Supportive Transitional Emancipation Program
(STEP) Regulations**

The regulatory action deals with the Supportive Transitional Emancipation Program ("STEP"). (California Department of Social Services File ORD#0602-14.)

Title MPP

California Code of Regulations

ADOPT: 90-200,90-205, 90-210, 90-215, 90-220

Filed 05/28/03

Effective 06/27/03

Agency Contact:

Anthony J. Velasquez (916) 657-2586

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD****Gisco**

This rulemaking corrects inconsistencies with comparable federal standards concerning inorganic arsenic, in order to be at least as effective as federal counterpart regulations and nationally recognized exposure limits.

Title 8

California Code of Regulations

AMEND: 5214

Filed 05/27/03

Effective 06/26/03

Agency Contact: Marley Hart (916) 274-5721

**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT****Safe Drinking Water and Toxic Enforcement Act of 1986**

In this regulatory action, the Office of Environmental Health Hazard Assessment (OEHHA) amends a regulation relating to the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly referred to as "Proposition 65"). The regulation being amended pertains to OEHHA's standards and procedures for accepting requests for and issuing "safe use determinations" (advisory opinions) under this law.

Title 22

California Code of Regulations

AMEND: 12204

Filed 05/22/03

Effective 06/21/03

Agency Contact: Cynthia Oshita (916) 322-2068

**SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION****Amendments to Enforcement Regulations**

This action would amend the Commission's standardized fine process. The proposed amendments would: (1) create a per diem fine schedule for repeated short-term violations; (2) double fines for repeat violations; (3) include additional types of violations;

and (5) allow the Commission to include all outstanding violations in referrals to the Attorney General's office.

Title 14

California Code of Regulations

AMEND: 11303, 11386

Filed 05/22/03

Effective 06/21/03

Agency Contact: Allen Brooks

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN JANUARY 22, 2003
TO MAY 28, 2003**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

05/08/03 REPEAL: 121, 122, 123, 124, 125, 125.5, 126, 127, 128, App. A (Form 1013)

Title 2

05/08/03 AMEND: 2970

05/07/03 AMEND: 547.80, 17030, 17111, 17112, 17151 REPEAL: 547.81, 17434

05/07/03 ADOPT: 471.1 AMEND: 470, 470.1, 471, 472, 17502, 17520

05/01/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153

04/28/03 AMEND: 1897

04/21/03 ADOPT: 1185.02, 1186 AMEND: 1181.1, 1183, 1183.01 1185, 1185.01, 1185.02, 1185.1, Article 6 title. REPEAL: 1185.2, 1186, 1186.1, 1186.2, 1186.3, 1188.5

04/10/03 AMEND: 18313

04/09/03 ADOPT: 18550.1 AMEND: 18225.7

04/04/03 AMEND: 599.885

04/03/03 ADOPT: 23000, 23100, 23100, 23200, 23300

04/03/03 AMEND: 599.515

04/01/03 AMEND: 52.4

03/27/03 ADOPT: 18754

03/24/03 AMEND: 321

02/28/03 AMEND: 599.931

02/27/03 ADOPT: 1859.2, AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3,

1859.74.4, 1859.75, 1859.75.1,
1859.78.3, 1859.79, 1859.81.1, 1859.83,
1859.107, 1859.145
02/25/03 REPEAL: 18707.3
02/24/03 AMEND: 18312
02/24/03 ADOPT: 2430, 2431, 2432, 2433, 2434,
2435, 2436, 2437, 2438, 2439, 2440,
2441, 2442, 2443, 2444, 2445
02/19/03 AMEND: 1859.79, 1859.79.3, 1859.81.1,
1859.83, 1859.107
02/18/03 AMEND: 18991
02/18/03 AMEND: 18704.2
02/13/03 ADOPT: 1859.160, 1859.161, 1859.162,
1859.162.1, 1859.163, 1859.164,
1859.164.1, 1859.165, 1859.166,
1859.166.1, 1859.167, 1859.168,
1859.169, 1859.170, 1859, 171 AMEND:
1859.2, 1859.51, 1859.103, 1859.106,
1859.145.1
02/13/03 AMEND: 1859.77.2
02/11/03 AMEND: 1555
02/11/03 AMEND: 1897
02/06/03 ADOPT: 50
02/06/03 ADOPT: 1859.74.5, 1859.74.6,
1859.81.2, 14859.81.3, 1859.105.2
AMEND: 1859.2, 1859.74, 1859.76,
1859.77.1, 1859.81.1, 1859.90, 1859.103,
1859.104
02/03/03 AMEND: 649.11
02/03/03 ADOPT: 649.23, 649.24, 649.25
01/30/03 ADOPT: 18530.2

Title 3

05/28/03 ADOPT: 1392.12
05/22/03 AMEND: 6860
05/19/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784
05/05/03 ADOPT: 1310, 1310.1, 1310.2, 1310.3
04/24/03 AMEND: 6000, 6710
04/21/03 AMEND: 3423(b)
04/21/03 AMEND: 3417(b)
04/15/03 AMEND: 3423(b)
04/08/03 ADOPT: 760, 760.1, 760.2, 760.3, 760.4,
760.5, 760.6, 760.7, 760.9 REPEAL: 760,
765
04/07/03 AMEND: 3417(b)
04/03/03 AMEND: 300(c)
04/01/03 AMEND: 3417(b)
03/26/03 ADOPT: 797
03/20/03 AMEND: 3700(c)
02/06/03 ADOPT: 3650, 3651, 3652, 3653, 3654,
3655, 3656, 3657, 3658, 3659, 3660,
3661, 3662, 3663, 3663.5
02/03/03 AMEND: 3700(c)
01/28/03 AMEND: 3417(b)
01/27/03 AMEND: 3700(C)

Title 4

05/22/03 ADOPT: 12300, 12301, 12302, 12304,
12305, 12306, 12307, 12308, 12309,
12310 AMEND: 12301, 12303, 12309
04/09/03 AMEND: 1467
03/06/03 AMEND: 8072, 8074
02/13/03 ADOPT: 10151, 10152, 10153, 10154,
10155, 10156, 10157, 10158, 10159,
10160, 10161, 10162
01/27/03 ADOPT: 12300, 12301, 12302, 12303,
12304, 12305, 12306, 12307, 12308,
12309, 12310 AMEND: 12300, 12301,
12302, 12303, 12304, 12305, 12306,
12307, 12308, 12309, 12310

Title 5

05/15/03 ADOPT: 24000, 24001, 24002, 24003,
24004, 24005, 24006, 24007, 24008,
24009
05/01/03 ADOPT: 1218.5 AMEND: 1200, 1204,
1209, 1211, 1212, 1215, 1216, 1217,
1217.5, 1219, 1219.5, 1220, 1225
04/21/03 ADOPT: 11990
04/15/03 AMEND: 18106
04/14/03 AMEND: 11510, 11512.5(a)(11), 11517
REPEAL: 11510(j)
04/07/03 ADOPT: 80020.1
04/03/03 ADOPT: 11971, 11972, 11973, 11974,
11975, 11976, 11977, 11978, 11979,
11980
03/18/03 AMEND: 20438, 20440
03/12/03 ADOPT: 53207
02/24/03 AMEND: 18301
02/14/03 ADOPT: 54400
01/30/03 AMEND: 80043
01/29/03 AMEND: 31000, 31001, 31003, 31004,
31005, 31006, 31007
01/27/03 ADOPT: 42397, 42397.1, 42397.2,
42397.3, 42397.4, 42397.5, 42397.6,
42397.7, 42397.8, 42397.9, 42397.10,
42397.11

Title 8

05/27/03 AMEND: 5214
05/20/03 AMEND: 9785, 9785.2, 9785.3, 9786,
9787
05/07/03 ADOPT: 20400, 20401, 20402, 20403,
20404, 20405, 20406, 20407, 20408,
20450
05/01/03 AMEND: 10106.1, 10107.1, 10111.2
05/01/03 AMEND: 10122, 10133.15, 10133.16
04/09/03 AMEND: 15210
04/07/03 AMEND: 15251
03/26/03 AMEND: 3279, 3280
03/03/03 ADOPT: 17000 REPEAL: 17000
02/24/03 AMEND: 451, 527
01/30/03 AMEND: 336

01/29/03 ADOPT: 10133.16, 10133.17, 10133.18,
10133.19, 10133.20, 10133.21, 10133.22,
10122.1, 10127.3, 10131.2, 10133.10,
10133.11, 10133.12, 10133.13, 10133.14,
10133.15 AMEND: 10122, 10131,
10133, 10133.2 REPEAL: 10133.1
01/28/03 AMEND: 1604.5(c)(3) 1604.6(a)

Title 9

05/20/03 ADOPT: 7149.1 AMEND: 7174
03/25/03 AMEND: 821
02/20/03 AMEND: 9100

Title 10

05/20/03 AMEND: 2699.100, 2699.200, 2699.201,
2699.202, 2699.205, 2699.206, 2699.207,
2699.210, 2699.300, 2699.301, 2699.303,
2699.304, 2699.400
05/06/03 ADOPT: 2498.6
04/29/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,
2192.10, 2192.11, 2192.12, 2192.13 RE-
PEAL: 01-0905-01E, 02-0129-02 EE,
02-0531-04 EE
04/24/03 ADOPT: 2695.85 AMEND: 2695.1,
2695.2, 2695.3, 2695.4, 2695.5, 2695.6,
2695.7, 2695.8, 2695.9, 2695.10,
2695.11, 2695.12, 2695.14
04/24/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
2278.4, 2278.5
04/17/03 AMEND: 5002
03/27/03 AMEND: 260.211, 260.211.1
03/20/03 ADOPT: 2187.4
03/20/03 ADOPT: 2698, 9910, 2698.99.11,
2698.99.12, 2698.99.13
03/13/03 ADOPT: 2020, 2021 AMEND: 250.51
03/10/03 ADOPT: 2670.1, 2670.2, 2670.3, 2670.4,
2670.5, 2670.6, 2670.7, 2670.8, 2670.9,
2670.10, 2670.11, 2670.12, 2670.13,
2670.14, 2670.17, 2670.18, 2670.19,
2670.20, 2670.21, 2670.22, 2670.23,
2670.24,
03/10/03 ADOPT: 2175, 2175.1, 2175.2, 2175.3,
2175.4, 2175.5, 2175.6, 2175.7, 2175.8,
2175.9, 2175.10, 2176, 2176.1 2176.2,
2176.3, 2176.4, 2177, 2177.1, 2177.2,
2177.3, 2177.4, 2177.5, 2177.6, 2177.7,
2177.8, 2177.9, 2177.10, 2177.11,
2177.12, 2177.13, and 2177
03/06/03 AMEND: 2130.3
03/04/03 ADOPT: 260.230, 260.230.1, 260.231.2,
260.231.3, 260.236.1, 260.236.2,
260.237.2 AMEND: 260.231, 260.236,
260.237.1, 260.240, 260.241.2,
260.241.3, 260.241.4, 260.242
02/27/03 ADOPT: 5.6182, 5.6183, 30.30, 30.31,
30.40, 30.41, 30.50, 30.51, 30.60, 30.61,
30.70, 30.71, 30.72, 30.73, 30.105,

30.402, 30.406, 30.500, 30.802, 30.1000
AMEND: 30.101, 30.102, 30.103,
30.300, 30.301, 30.302, 30.304, 30.306,
30.401, 30.403, 30.404

02/13/03 AMEND: 3200

02/11/03 AMEND: 2646.6 REPEAL: 2646.7,
2646.8, 2646.9, 2646.10, 2646.11

Title 11

05/05/03 AMEND: 1005
04/07/03 AMEND: 1005, 1052, D-2
04/03/03 ADOPT: 977.52 AMEND: 977.20,
977.43, 977.44, 977.45, 977.50, 977.51
02/06/03 AMEND: 1005, 1070, 1082
02/03/03 AMEND: 1081(a)(31), 1081(a)(32)

Title 13

05/12/03 ADOPT: 147.00
05/12/03 ADOPT: 2700, 2701, 2702, 2703, 2704,
2705, 2706, 2707, 2708, 2709, 2710
05/07/03 ADOPT: 82.00
05/06/03 AMEND: 1239
05/01/03 ADOPT: 2273.5 AMEND: 2260, 2261,
2262.6, 2263, 2272, 2273
04/17/03 ADOPT: 157.00
04/17/03 AMEND: 115.07
04/16/03 AMEND: 1956.8
04/14/03 AMEND: 2412(b)
03/03/03 ADOPT: 225.00, 225.06, 225.12, 225.15,
225.21, 225.24, 225.27, 225.30, 225.33,
225.39, 225.48, 225.57, 225.60, 225.66,
and 225.69 AMEND: 225.03, 225.09,
225.18, 225.36, 225.42, 225.45, 225.51,
225.54, 225.63, and 225.72
02/21/03 AMEND: 110.04
02/18/03 REPEAL: 260.01, 262.00, 262.05
02/06/03 AMEND: 55.17
02/04/03 ADOPT: 551.14, 551.15, 551.16, 551.17
AMEND: 553.40, 595

Title 14

05/28/03 ADOPT: 18456.4, 18460.1.1 AMEND:
18449, 18450, 18451, 18453, 18453.2,
18454, 18455, 18456, 18456.1, 18456.2,
18456.3, 18457, 18458, 18459, 18459.1,
18459.2, 18459.3, 18460.1, 18460.2,
18461, 18462, 18463, 18465 REPEAL:
18452, 18457.1, 18460, 18464
05/22/03 AMEND: 11303, 11386
05/05/03 ADOPT: 11021
05/01/03 AMEND: 27.80
04/30/03 AMEND: 6504, 6578.4, 6600.1
04/30/03 AMEND: 791.7, 870.15, 870.17, 870.19,
870.21,
Form FG OSPR-1972
04/28/03 AMEND: 2930
04/17/03 AMEND: 11945

04/15/03 ADOPT: 1.39, 1.49, 27.83 AMEND: 27.82
 04/15/03 ADOPT: 3704.1
 04/14/03 ADOPT: 1.92 AMEND: 671, 671.1
 04/08/03 AMEND: 791.7
 04/07/03 ADOPT: 4970.09 AMEND: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4907.07, 4970.08, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21, 4970.22, 4970.23, 4970.24, 4970.25, 4970.2
 04/04/03 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9
 04/04/03 ADOPT: 17853.0, 17854, 17588.2, 17855.4, 17857.1, 17859.1, 17863.4, 17867.5, 17868.5, 18227 AMEND: 17850, 17852, 17855, 17862, 17862.1, 17863, 17865, 17866, 17867, 17868.1, 17868.2, 17868.3, 17869, 17870, 18103.1 REPEAL: 17857, 17858, 17859, 17860, 178
 04/01/03 AMEND: 2090, 2105, 2420, 2425, 2530, 2690 and renumber 2690 to 2850
 04/01/03 ADOPT: 17225.710, 17225.717, 1225.720, 17225.725, 17225.750, 17225.755, 17225.760, 17225.770, 172225.795, 17225.800, 17225.820, 18478.5, 18494.5, 18499.1, 18499.2, 18499.3, 18499.4, 18499.5, 18499.6, 18499.7, 18499.8, 18499.9 AMEND: 17225.715, 17350, 173
 03/27/03 AMEND: 708
 03/26/03 AMEND: 150.02, 150.04
 03/26/03 AMEND: 120, 120.3
 03/10/03 ADOPT: 632 AMEND: 630
 03/10/03 ADOPT: 150.05 AMEND: 150, 150.03
 03/06/03 AMEND: 18464, 18465
 03/05/03 ADOPT: 18360, 18361, 18362, 18363, 18364, 18365, 18366, 18367, 18368
 03/04/03 ADOPT: 15251
 03/04/03 ADOPT: 749.2
 03/04/03 AMEND: 180.2
 02/27/03 ADOPT: 105.5 AMEND: 195
 02/11/03
 02/03/03 AMEND: 120.3
 01/28/03 ADOPT: 6593, 6593.1, 6593.2, 6593.3, 6593.4, 6593.5, 6593.6, 6593.7, 6593.8, 6593.9, 6593.10, 6593.11

Title 15

05/27/03 AMEND: 3097
 05/22/03 AMEND: 3170, 3170.1, 3171, 3172, 3173
 05/19/03 AMEND: 4941

05/06/03 AMEND: 3041.3(b)
 04/15/03 REPEAL: 3901.1, 3901.1.2, 3901.3.1, 3901.5.1, 3901.5.2, 3901.5.3, 3901.5.4, 3901.5.5, 3901.5.6, 3901.7.1, 3901.7.2, 3901.7.3, 3901.9.2, 3901.9.3, 3901.9.5, 3901.9.6, 3901.11.1, 3901.13.1, 3901.13.2, 3901.13.3, 3901.15.1, 3901.15.2, 3901.15.3, 3901.15.4,
 04/08/03 AMEND: 3025, 3315
 03/18/03 AMEND: 3006
 03/06/03 ADOPT: 3375.5 AMEND: 3000, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3377
 02/18/03 ADOPT: 3054.2(e)(2)(H), 3170, 3170.1, 3171, 3172, 3172.1, 3172.2, 3173, 3173.1, 3173.2, 3174, 3175, 3176, 3176.1, 3176.2, 3176.3, 3176.4, 3177, 3178, 3179 AMEND: 3045.2(e)(2)(F) REPEAL: 3170, 3170.5, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179

Title 16

05/27/03 AMEND: 1845, 1858, 1881
 05/27/03 ADOPT: 2317, 2317.1, 2317.2, 2326.5, 2328.1
 05/22/03 ADOPT: 1073.2
 05/15/03 ADOPT: 642
 05/05/03 AMEND: 2602, 2603, 2604, 2606, 2610, 2614, 2615, 2616, 2620, 2620.5, 2621, 2623, 2624, 2630, 2630.2, 2630.3, 2649, 2655, 2656
 05/02/03 AMEND: 1953
 05/01/03 AMEND: 2602, 2615, 2620
 04/30/03 ADOPT: 1070.2 AMEND: 1070, 1070.1
 04/28/03 AMEND: 3340.1, 3392.1, 3392.2, 3392.3, 3392.5, 3392.6 REPEAL: 3392.4
 04/25/03 ADOPT: 1313.01, 1313.02, 1313.03, 1313.04, 1313.05, 1313.06
 04/24/03 AMEND: 1444.5
 04/24/03 AMEND: 1320
 04/21/03 ADOPT: 1399.380, 1399.381, 1399.382, 1399.383, 1399.384, 1399.385, 1399.387, 1399.388, 1399.389, 1399.390 AMEND: 1399.302, 1399.370, 1399.374, 1399.376, 1399.380 REPEAL: 1399.375
 04/14/03 AMEND: 109, 111
 04/08/03 AMEND: 2070, 2071
 04/08/03 AMEND: 1017
 04/07/03 AMEND: 1381, 1390, 1397.64
 04/07/03 ADOPT: 3504.5
 03/13/03 AMEND: 404
 03/13/03 AMEND: 1807.2
 03/06/03 AMEND: 1393
 03/03/03 AMEND: 1397.12
 03/03/03 AMEND: 3340.1
 02/18/03 AMEND: 87, 89.1
 02/13/03 AMEND: 1399.508

02/11/03 AMEND: 1720.1
 02/11/03 AMEND: 1388, 1392
 02/10/03 AMEND: 1717, 1745
 02/06/03 AMEND: 1082.1
 01/29/03 AMEND: 2542, 2542.1, 2547, and 2547.1
 01/23/03 ADOPT: 1399.153.10 AMEND:
 1399.153, 1399.153.1, 1399.153.2,
 1399.153.3, 1399.153.4, 1399.153.5,
 1399.153.6, 1399.153.7 1399.153.8,
 1399.153.9,

Title 17

05/27/03 AMEND: 54327, 54327.1, 56002
 05/15/03 AMEND: 58420
 05/08/03 ADOPT: 10300, 10302, 10305, 10310,
 10315, 10317, 10320, 10322, 10325,
 10326, 10327, 10328, 10330, 10335,
 10337 AMEND: 10325, 10327
 04/21/03 ADOPT: 1968.2, 1968.5
 04/14/03 ADOPT: 13676 AMEND: 13675
 03/13/03 AMEND: 94011
 03/13/03 ADOPT: 1031.2, and 1031.3
 02/27/03 AMEND: 60201
 02/27/03 AMEND: 6020, 6025, 6035, 6050, 6051,
 6065, 6070, 6075
 02/25/03 ADOPT: 6903 (b)
 02/10/03 ADOPT: 30315.10, 30315.20, 30315.22,
 30315.23, 30315.24, 30315.33, 30315.34,
 30315.35, 30315.36, 30315.50, 30315.51,
 30315.52, 30315.60, 30316, 30316.10,
 30316.20, 30316.22, 30316.30, 30316.40,
 30316.50, 30316.60, 30316.61, 30317,
 30317.10, 30317.20, 303
 02/03/03 ADOPT: 93113

Title 18

05/28/03 ADOPT: 284 AMEND: 281, 282, 283
 05/27/03 ADOPT: 1707
 05/27/03 AMEND: 1553
 04/28/03 ADOPT: 2303, 3020, 3021, 3301, 3302,
 3501, 3502, 4105, 4901, 4902 AMEND:
 1124, 1177, 1178, 1248, 1271, 1332,
 1335, 1422, 1470, 2250, 2255, 2343,
 2431, 2432, 2500, 2570, 4026, 4027
 REPEAL: 2344, 2345, 2346
 04/09/03 AMEND: 24411
 03/25/03 ADOPT: 19032
 03/13/03 AMEND: 6001
 02/04/03 ADOPT: 2570 AMEND: 2500, 2538,
 2552
 02/04/03 AMEND: 1616
 02/04/03 AMEND: 122.5
 01/23/03 ADOPT: 1807
 01/23/03 ADOPT: 17053.36, 10753.37, 23636,
 23637

Title 19

04/25/03 AMEND: 2520, 2530, 2540, 2560
 02/25/03 AMEND: 1.05, 1.07, 3.08, 3.23, 3.25,
 3.26 3.29, 3.32
 02/04/03 ADOPT: 2575, 2575.1, 2575.2, 2576,
 2576.1, 2577, 2577.1, 2577.2, 2577.3,
 2577.4, 2577.5, 2577.6, 2577.7, 2577.8,
 2578, 2578.1, 2578.2, 2578.3

Title 20

04/08/03 ADOPT: 1237 AMEND: 1231, 1232,
 1768, 1769
 04/01/03 AMEND: 1601, 1602, 1603, 1604,
 1605.1, 1605.3, 1606, 1607, 1608

Title 21

02/03/03 ADOPT: 3570

Title 22

05/22/03 AMEND: 12204
 05/22/03 AMEND: 51510, 51510.1, 51510.2,
 51510.3, 51511, 51511.5, 51511.6,
 51523.3, 51535, 51535.1, 51544, 54501
 05/13/03 AMEND: 64431, 64444, 64445.1,
 64468.1, 64468.2, 64468.3
 05/12/03 ADOPT: 119015, 119019, 119045,
 119069, 119076, 119191
 05/06/03 AMEND: 1326-12
 05/05/03 ADOPT: 115500, 115510, 115520 RE-
 PEAL: MPP Section 12-223.2 through
 .22.
 04/29/03 ADOPT: 97170, 97172, 97174, 97176,
 97178, 97180, 97182, 97184, 97186,
 97188, 97190, 97192, 97194, 97196,
 97198
 04/28/03 ADOPT: 4407.1
 04/10/03 ADOPT: 51509
 04/08/03 AMEND: 1256-9, 1253.12-1, 1030(a)-1
 04/04/03 AMEND: 51319, 51507.2, 51515, 51517,
 51521
 04/03/03 ADOPT: 64806
 04/01/03 AMEND: 926-3, 926-4, 926-5
 04/01/03 AMEND: 66262.54, 66264.71, 66264.72,
 66265.71, 66265.72, 66270.30
 04/01/03 AMEND: 51215.6
 03/26/03 ADOPT: 69000, 69000.5, 69001, 69002,
 69003, 69004, 69005, 69006, 69007,
 69008, 69009, 69010, 69011, 69012,
 69013
 03/24/03 ADOPT: 110449, 110554, 118020
 AMEND: 110385, 12-229, 12-300, 12-
 302
 03/20/03 ADOPT: 67391.1
 02/27/03 ADOPT: 51008.1 AMEND: 51104,
 51515, 51520, 51521
 02/25/03 AMEND: 12705, 12805
 02/20/03 AMEND: 100177
 02/19/03 AMEND: 12306

02/13/03 ADOPT: 66260.10, 66260.22, 66261.50,
66273.7.1, 66273.7.2, 66273.7.3,
66273.7.4, 66273.7.5, 66273.7.7,
66273.7.8, 66273.7.9, 66273.10,
66273.21, 66273.41 AMEND: 66261.1,
66261.3, 66261.6, 66261.9, 66261.101,
66262.11, 66264.1, 66265.1, 66268.1,
66270.1

02/10/03 ADOPT: 69100, 69101, 69102, 69103,
69104, 69105 69106, 69107

02/03/03 ADOPT: 1111560

02/03/03 ADOPT: 51200.01 AMEND: 51000.4,
51000.30, 51000.45, 51000.50, 51000.55,
51200, 51451

02/03/03 ADOPT: 66260.22, 66260.23, 66273.3,
66273.6, 66273.80, 66273.81, 66273.82,
66273.83, 66273.84, 66273.85, 66273.86,
66273.87, 66273.88, 66273.89, 66273.90
AMEND: 66261.9, 66264.1, 66265.1,
66268.1, 66270.1, 66273.1, 66273.4,
66273.8, 66273.9, 66273.13,

01/27/03 AMEND: 51510, 51511.1, 51510.2,
51510.3, 51511.1, 51511.5, 51511.6,
51532.3, 51535, 51535.1, 51544, 54501

01/24/03 AMEND: 84001, 84022, 84061, 84063,
84065, 84800, 84801, 84802, 84802.1,
84803, 84804, 84805, 84806, 84807,
84808

Title 22, MPP

05/12/03 AMEND: 101218.1, 102419, 102421

04/09/03 ADOPT: 89202, 89261, 89319, 89323,
89370, 89372, 89374, 89376, 89388,
89400, 89405 AMEND: 87000, 87001,
87005, 87006, 87007, 87009, 87010,
87010.1, 87010.2, 87017, 87018, 87019,
87019.1, 89221, 87019.2, 87020, 87021,
87024, 87026, 87027, 87028, 87029, 8

04/03/03 ADOPT: 110226, 110242, 110251,
110336, 110337, 110355, 110485,
110547, 110615, 116004, 116018,
116036, 116038, 116042, 116061,
116062, 116063, 116100, 116102,
116104, 116106, 116108, 116110,
116114, 116116, 116118, 116120,
116122, 116124, 116130, 116132,

Title 23

05/20/03 AMEND: 3939

04/28/03 ADOPT: 2729, 2729.1

04/14/03 AMEND: 3955

04/01/03 AMEND: 2521

04/01/03 AMEND: 648

03/11/03 ADOPT: 3717

02/25/03 AMEND: 20164, 21110, 21570, 21640,
21685, 21780, 21860, 21865, 21870,
21880

02/25/03 AMEND: 499.1, 499.2, 499.3, 499.4,
499.5, 499.6, 499.6.1, 499.6.2, 499.7, and
499.8

Title 25

05/05/03 AMEND: 6932

Title 28

02/18/03 ADOPT: 1300.74.30

Title MPP

05/28/03 ADOPT: 90-200, 90-205, 90-210, 90-
215, 90-220

04/09/03 AMEND: 19-001, 19-004.412, 19-
004.412(a), renumber 19-004.9 to 19-
004.42, 19-004.62, 19-005.21, 19-007.1,
20-300.32, 20-300.33

04/09/03 AMEND: 40-107.14, 40-107.15, 42-
301.2, 42-302.1, 42-302.2, 42-0302.3,
44-133.5, 44-133.8, 44-352.1, 88-832,
88-833.1

03/27/03 AMEND: 44-315, 89-201

03/27/03 AMEND: 40-187, 40-188, 40-190, 63-
801

03/25/03 AMEND: 63-405

03/13/03 AMEND: 11-402

03/10/03 AMEND: 63-403.1, 63-405.134, 63-
409.122, 63-502.31

02/27/03 AMEND: 46-430.1, 46-430.2, 46-430.3,
46-430.4, 46-430.5 REPEAL: 46-430.42

02/18/03 AMEND: 31-001, 31-002, 31-075, 31-
401, 31-410, 31-420, 31-440, 31-445

02/13/03 ADOPT: 16-001, 16-003, 16-005, 16-
010, 16-015, 16-105, 16-120, 16-130,
16-201, 16-215, 16-301, 16-310, 16-315,
16-320, 16-325, 16-401, 16-410, 16-501,
16-505, 16-510, 16-515, 16-517, 16-520,
16-601, 16-610, 16-701, 16-750, 16-801
AMEND: 20-300, 44-3

01/23/03 AMEND: 40-181.1(e), 42-710.6, 42-
711.5, 42-711.6, 42-711.8, 42-721.1, 42-
721.4, 44-314.1, 44314.2, 80-301(r), 82-
812.6

01/23/03 AMEND: 49-020

